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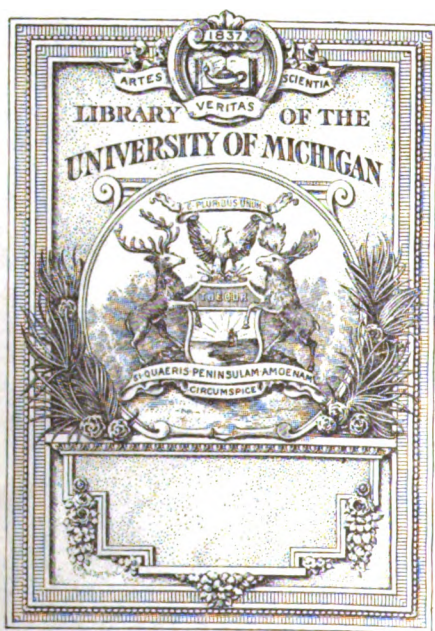
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BRITISH AND FOREIGN
STATE PAPERS.

1893—1894.

VOL. LXXXVI.

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SPEECH of the Queen, on the Closing of the British Parliament.—Westminster, March 5, 1894.

My Lords and Gentlemen,

UPON an occasion when your labours have been unprecedented in amount and duration, I regret that your release from them can be little more than nominal, as it will be necessary for you to undertake anew, after only a very short interval, your deliberations upon public affairs, and upon the provision required for the services of the coming financial year. I shall then have occasion again to address you in the ordinary course.

Gentlemen of the House of Commons,

I thank you for the liberal supplies which you have granted in order to maintain the full efficiency of the public service in its various branches.

My Lords and Gentlemen,

I anticipate lasting advantages from many leading provisions of the important Statute which has been passed for the establishment of District and Parochial Councils in England and Wales, and from the extension which has been given to the principles of Local Government so closely associated with the national history. Nor do I overlook other amendments of the law due to your counsels, especially an Act affecting the hours of labour of railway servants.

It is my earnest prayer that the blessing of the Almighty may rest upon all your past and coming labours.

SPEECH of the Queen, on the Opening of the British Parliament.—Westminster, March 12, 1894.

My Lords and Gentlemen,

I REGRET, in view of the recent completion of your arduous labours, to have to summon you so soon to renew them.

My relations with foreign Powers continue to be amicable and satisfactory.

The negotiations between my Government and that of the Emperor of Russia for the settlement of frontier questions in Central Asia are proceeding in a spirit of mutual confidence and good-will, which gives every hope of an early and equitable adjustment.

Negotiations are also in progress with the Government of the United States for the purpose of executing the award of the Court of Arbitration on the question of the seal fisheries in the Behring Sea.

I have pleasure in also informing you that the protracted and intricate arrangements for fixing the frontier between my Burmese dominions and those of the Emperor of China have been brought to a satisfactory conclusion by the signature of a formal Convention.

Two collisions, accompanied by a lamentable loss of life, have lately occurred with French colonial forces in West Africa. I await the result of the inquiry instituted with regard to these deplorable occurrences in the full confidence that they will be examined in the calm and dignified temper that befits two great nations on such an occasion.

Gentlemen of the House of Commons,

The Estimates for the public service of the year will be laid before you. They will be found to make full and adequate provision for the defence of the Empire.

My Lords and Gentlemen,

The recent improvement in the state of Ireland has been continuous and marked, and agrarian crime has been reduced under the administration of the ordinary law to the lowest point that has been reached for the last fifteen years.

The condition, however, of a considerable body of evicted tenants in that country requires early attention, and a measure will be submitted to you with a view to a reasonable settlement of a question affecting the well-being of Ireland.

Bills will be submitted to you for the amendment of registration, and the abolition of plural voting at Parliamentary elections.

Measures will be laid before you dealing with the ecclesiastical establishments in Wales and Scotland.

There will also be presented Bills having for their object the equalization of rates in London; the establishment of a system of Local Government in Scotland, on the same basis as that recently accorded to England and Wales; and the exercise of a direct local control over the liquor traffic.

You will also be asked to consider measures for the promotion of conciliation in labour disputes; for the amendment of the Factory and Mines Acts; and for the reform of the present method of conducting inquiries into fatal accidents in Scotland.

Upon all your labours and deliberations I humbly implore the blessing and guidance of Almighty God.

SPEECH of the Queen, on the Closing of the British Parliament.—Westminster, August 25, 1894.

My Lords and Gentlemen,

It affords me sensible gratification to be able to dismiss you at the end of a Session which has been little less than a prolongation of the previous one; and it gives me pleasure to reflect that your labours, if they have been exhausting, have also been fruitful.

I am confident that you will share in the joy with which I and my people have welcomed the birth of an heir in the third generation to my Throne; an event not merely propitious, but unprecedented in the history of this country.

My relations with foreign Powers continue to be friendly and peaceful.

It is, however, matter for regret that a variety of questions relating to Africa between my Government and that of the French Republic still remain unsettled.

It is my wish that these should be arranged without unnecessary delay; and I am engaged in friendly negotiations with that object.

The state of affairs in Siam continues to engage my earnest attention. The welfare of that kingdom, in which the interests of British trade are so preponderating, cannot be a matter of indifference to my Government. I trust that the final settlement of questions arising out of the recent Treaty between France and Siam may not much longer be delayed, and, in the meantime, I have directed Commissioners, in conjunction with those of France,

to lay down on the spot the proper limits of a neutral region in the neighbourhood of the Mekong, which shall separate my dominions from those of the French Republic.

In concert with the President of the United States I have taken the steps necessary to give effect to the award of the Tribunal of Arbitration on the question of the seal fisheries in the Behring Sea; and I have assented to an Act of Parliament for this purpose. A similar Act has been passed by the Congress of the United States.

The Governments of the two countries are also in communication with the principal foreign Powers with the view of obtaining their adhesion to the regulations prescribed by the award.

I regret to state that war has broken out between the Empires of China and Japan. After endeavouring, in concert with Russia and with other Powers, to prevent the outbreak of hostilities, I have taken steps to preserve my strict neutrality between the contending parties.

I have concluded a Treaty with the Emperor of Japan for the regulation of commercial intercourse between that country and the United Kingdom.

A Conference was held at Ottawa in the month of June last, at which Representatives of the Imperial Government, the Dominion of Canada, the Cape, and the Australasian Colonies met to consider questions relating to intercolonial tariffs and communications.

I have learnt with satisfaction that the proceedings of the Conference were of a character to strengthen the union of the Colonies concerned, both among themselves and with the mother-country.

Gentlemen of the House of Commons,

I thank you for the liberal supplies which you have provided for the requirements of the public service.

Though I lament the necessity for increasing the burden of taxation, it had become indispensable for the security of my Empire to increase my naval strength.

I trust that the alterations which you have made in the fiscal system of the country, and to which the greatest part of this Session has been necessarily devoted, will have the effect of materially alleviating that portion of the burden which falls upon the less wealthy classes of the population, and may redound to the contentment and prosperity of the nation at large.

My Lords and Gentlemen,

While the general tranquillity of Ireland has been maintained in a remarkable degree, certain social and administrative difficulties

still subsist, which continue to engage the earnest attention of my Government.

I have given my ready assent to the Bills which, notwithstanding the shortness of the Session, you have been able to consider and mature.

The measure dealing with the system of Local Government in Scotland will, I doubt not, tend to reorganize that system on a more popular and more efficient basis.

You have also passed a beneficial measure for the better adjustment of the rates levied by the several local authorities in London.

A large number of Bills of substantial importance have been passed, among which I would mention that for the amendment of the law relating to railway rates and charges, and that for the better regulation of building societies.

In bidding you farewell I pray that the blessing of Providence may rest upon all your labours.

*A AGREEMENT between the Post Offices of Great Britain and of Norway, for the Insurance of Postal Parcels.—Signed at London, November 29, 1893; and at Christiania, January 6, 1894.**

ART. I. On and after the 1st February, 1894, the postal parcels exchanged between Great Britain and Norway under the Convention of the $\frac{1}{2}$ ³/₅th March, 1886,† between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Norway, may be insured.

The two Administrations shall mutually serve as intermediaries for the exchange of insured parcels to and from the other countries with which they respectively maintain similar exchanges. They shall communicate to each other the amount of the insurance fee to be credited in each case and the other conditions of the service.

II. The maximum amount for which parcels exchanged between the two countries may be insured is 50*l.* in the United Kingdom, and 900 kroner in Norway.

III. The insurance fee, which shall be paid at the same time as the postage, shall be in the United Kingdom 2 $\frac{1}{2}$ *l.* for each 12*l.* or fraction of 12*l.* of insured value, and in Norway 20 öre for each 250 kroner or fraction of 250 kroner of insured value.

IV. The insurance fee for each 12*l.* or 250 kroner of insured

* Signed also in the Norwegian language.

† Vol. LXXVII, page 1161.

value, levied on parcels posted in the United Kingdom addressed to Norway or posted in Norway addressed to the United Kingdom, shall be apportioned as follows :—

	Centimes.
To the Office of origin	10
To the Office which provides the sea service	10
To the Office of destination	5

V. On every insured parcel sent under this Agreement the Administration of the country of origin may levy a registration fee not exceeding 2½d. or 20 öre, to be paid by the sender in addition to the insurance fee. This registration fee shall be retained by the Office which levies it.

VI. When an insured parcel is redirected or returned to the Office of origin, a new insurance fee is collected from the addressee or the sender, as the case may be. So far as the relations of the two Administrations are concerned, the amount of the insurance fees on redirected or returned parcels and the apportionment of such amount shall be regulated in the same manner as the amount and apportionment of the fees levied on other parcels passing between the two countries.

VII. Compensation for the loss or damage of insured parcels shall be paid in accordance with Article X of the Convention of the 1st/₁₀th March, 1886, but the compensation paid in the case of any one parcel shall not exceed the sum for which it has been insured.

VIII. In the case of all parcels containing coin, objects of gold or silver, or other precious articles, exchanged between the United Kingdom and Norway, insurance is obligatory. If such a parcel is forwarded uninsured, the Administration which delivers it is entitled to collect the proper insurance fee from the addressee, and to retain the same.

IX. No parcel may be insured for an amount above the real value of its contents. In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation; and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

X. The provisions of the Convention of the 1st/₁₀th March, 1886, remain generally applicable to insured parcels. Moreover, the following additional detailed regulations are applicable to such parcels :—

1. An insured parcel must bear on the cover, as well as on the dispatch note, a statement of the amount for which it is insured, and no erasure or addition, even if certified, is allowed. When this statement is made in English or Norwegian money, the sender or

the Post Office of the country of origin must indicate by new figures, placed beside or below the others, the equivalent of the amount in francs and centimes.

2. The same dispatch note cannot be used with both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilogrammes and grammes must be entered by the Office of origin both on the cover of the parcel and on the dispatch note in the place provided for the purpose.

4. Each insured parcel must bear a red label with the word "insured" or "valeur déclarée" upon it.

5. The labels on insured parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge.

6. The parcels bills used for the service between Norway and the United Kingdom shall be enlarged by the addition of columns for the entry of the weight of insured parcels, and the sums in francs and centimes for which they are insured.

Done in duplicate, at London, on the 29th day of November, 1893; and at Christiania, on the 6th day of January, 1894.

(L.S.) ARNOLD MORLEY.

(L.S.) JOHAN THORNE.

*AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of the Netherlands, respecting the Maximum Compensation payable for the Loss or Damage of an Uninsured Postal Parcel.—Signed at London, December 18 1894; and at the Hague, December 31, 1894.**

ART. I. Article XII of the Parcel Post Agreement of the 29th November 1893,† between the Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of the Netherlands, is hereby repealed.

II. The first clause of Article X of the Parcel Post Convention concluded between the two Administrations before mentioned on the 10th March, 1886,‡ is modified as follows:—

"Except in cases beyond control when a postal parcel has been

* Signed also in the Dutch language.

† Vol. LXXXV, page 62.

‡ Vol. LXXVII, page 34.

lost or damaged, the sender or, in default or at the request of the sender, the addressee is entitled to an indemnity corresponding with the actual amount of the loss or damage, provided always that this indemnity may not exceed in the case of an uninsured parcel 25 fr. or 15 fr., according as the weight of the parcel exceeds or does not exceed 8 kilog. or 7 lb. avoirdupois.

"The sender of a lost parcel is also entitled to have the postage refunded."

III. This Agreement shall come into operation on the 1st day of January, 1895.

Done in duplicate at London, on the 18th day of December, 1894; and at the Hague, on the 31st day of December, 1894.

(L.S.) ARNOLD MORLEY.

(L.S.) HAVELAAR.

*AGREEMENT between Great Britain and Portugal, for the Insurance of Postal Parcels.—Signed at Lisbon, March 10, 1894.**

THE Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Majesty the King of Portugal and the Algarves, wishing to provide for the insurance of parcels transmitted by Parcel Post between their respective countries under the Agreement of the 2nd July, 1887,† the Undersigned, duly authorized for that purpose, have agreed upon the following provisions:—

ART. I.—1. The parcels exchanged by Parcel Post between Great Britain on the one hand, and Portugal, the Azores, and Madeira on the other hand, may be insured. This provision will, at the outset, apply exclusively to parcels exchanged direct between the United Kingdom and Portugal or Madeira.

2. The two Post Offices shall mutually serve as intermediaries for the exchange of insured parcels to and from the other countries with which they respectively maintain similar exchanges. They shall communicate to each other the amount of the insurance fee to be credited in each case and the other conditions of the service.

II. The maximum amount for which parcels exchanged between the United Kingdom on the one hand, and Portugal, the Azores,

* Signed also in the Portuguese language.

† Vol. LXXVIII, page 7.

and Madeira on the other hand, may be insured is 20*l.* (500 fr.) in the United Kingdom and 100\$000 reis in Portugal, the Azores or Madeira.

III. The insurance fee, which shall be paid at the same time as the postage, shall be in the United Kingdom 2½*d.* for each 12*l.* or fraction of 12*l.* of insured value, and in Portugal, the Azores, and Madeira, 50 reis for each 60\$000 reis or fraction of 60\$000 reis of insured value.

IV.—1. The insurance for each 12*l.* or 60\$000 reis of insured value levied on parcels posted in the United Kingdom addressed to Portugal or Madeira, or posted in Portugal or Madeira addressed to the United Kingdom, shall be apportioned as follows :—

	Centimes.
To the Office of origin	10
To the Office which provides the sea service	10
To the Office of destination	5

2. In the case of parcels exchanged between the United Kingdom and the Azores by way of Lisbon or Madeira, the Office of origin shall pay to the Office of destination for each 12*l.* or 60\$000 reis of insured value, 15 centimes in respect of the land and sea service.

V. If it shall be subsequently determined to allow the insurance of parcels exchanged between the United Kingdom and Portugal, the Azores, and Madeira, by way of France, the two Post Offices shall fix by common consent both the amount of the insurance fees to be paid by the senders of such parcels and the apportionment of those fees.

VI. On every insured parcel sent under this Agreement the Administration of the country of origin may levy a registration fee not exceeding 2½*d.* or 50 reis, to be paid by the sender in addition to the insurance fee. This registration fee shall be retained by the Office which levies it.

VII. When an insured parcel is redirected or returned to the Office of origin, a new insurance fee is collected from the addressee or the sender, as the case may be.

So far as the relations of the two Administrations are concerned, the amount of the insurance fees on redirected or returned parcels and the apportionment of such amount shall be regulated in the same manner as the amount and apportionment of the fees levied on other parcels passing between the two countries.

VIII. Compensation for the loss or damage of insured parcels shall be paid in accordance with Article XI of the Agreement of the 2nd July, 1887; but the compensation paid in the case of any one parcel shall not exceed the sum for which it has been insured.

IX. In the case of all parcels containing coin, objects of gold or silver, or other precious articles, exchanged between the United Kingdom and Portugal, the Azores, and Madeira, insurance is obligatory. If such a parcel is forwarded uninsured, the Administration which delivers it is entitled to collect the proper insurance fee from the addressee, and to retain the same.

X. No parcel may be insured for an amount above the real value of its contents. In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation; and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

XI. The provisions of the Agreement of the 2nd July, 1887, remain generally applicable to insured postal parcels. Moreover, the following additional detailed regulations are applicable to such parcels:—

1. An insured parcel must bear on the cover, as well as on the dispatch note, a statement of the amount for which it is insured; and no erasure or addition, even if certified, is allowed. When this statement is made in English or Portuguese money, the sender or the Post Office of origin must indicate by new figures placed beside or below the others, the equivalent of the amount in francs and centimes.

2. The same dispatch note cannot be used with both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilog. and grammes must be entered by the Office of origin both on the cover of the parcel and on the dispatch note in the place provided for the purpose.

4. Each insured parcel must bear a red label with the word "insured" or "*valeur déclarée*" upon it.

5. The labels on insured parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge. The address in such cases must be written on the actual covering of the parcels.

6. The parcel bills used for the service shall be enlarged by the addition of columns for the entry of the weight of insured parcels, and the sums in francs and centimes for which they are insured.

XII. The present Agreement shall come into operation on a date to be fixed by the two Post Offices, and shall be terminable on a notice of one year by either party.

In witness whereof the Undersigned, duly authorized for that

purpose, have signed the present Agreement, and have affixed thereto their seals.

Done in duplicate at Lisbon on the 10th day of March, 1894.

(L.S.) H. G. MACDONELL.

(L.S.) FREDERICO DE GUSMAN
CORRÊA AROUCA.

NOTES exchanged between Great Britain and Spain, respecting the Commercial Relations between the two Countries.—Madrid, December 28, 29, 1894.

Sir H. Wolff to the Spanish Minister for Foreign Affairs.

M. LE MINISTRE,

Madrid, December 28, 1894.

CIRCUMSTANCES having impeded the further negotiations for a definite Commercial Treaty, the Government of Her Majesty, my august Sovereign, are prepared to record in a more formal manner the understanding now existing* between the United Kingdom and Spain for the regulation of their mutual commercial relations. They understand that this course will for many reasons be convenient to the Government of His Catholic Majesty.

It is therefore understood between the two Governments that they maintain the Agreement entered into between them in the month of June last, by the note addressed by me to your Excellency's predecessor on the 20th June, 1894, and the note I had the honour to receive from Señor Moret under date of the 29th of the same month. Such Agreement shall remain in force until a permanent Treaty be concluded, or unless it be terminated by one of the parties, who shall, with this object, give the other a notice of six months.

* The following is the understanding existing between Great Britain and Spain referred to in Sir H. Wolff's above despatch and made public [in the press] in July 1894:—

"Under the provisions of an Act recently passed by the Spanish Cortes, goods arriving in Spain and her Colonies from the United Kingdom and the British Colonies will continue to receive the same treatment as heretofore, namely, in the Peninsula and the adjacent islands the Minimum Tariff, together with the advantages conceded by Treaty to Switzerland, Sweden and Norway, and the Netherlands, or other European States, except Portugal.

"In the Spanish Colonies, such goods will continue to be treated under the Minimum Column of the Colonial Tariff.

"This treatment will be maintained until a permanent Commercial Treaty is concluded between the United Kingdom and Spain, or until the negotiations now pending for the conclusion of such a Treaty are formally broken off."

As before, it is agreed that it shall be open to any British Colony to withdraw from the present Agreement, on notice to that effect being given by Her Majesty's Ambassador at Madrid to the Spanish Minister for Foreign Affairs within six months after the date of its signature.

I avail, &c.,

Señor Groizard.

H. D. WOLFF.

The Spanish Minister for Foreign Affairs to Sir H. Wolff.

(Translation.)

M. L'AMBAassadeur,

Palace, December 29, 1894.

I HAVE had the honour to receive the note which your Excellency communicated to me on the 28th instant, to the effect that circumstances having impeded the continuation of the negotiations for a definitive Treaty of Commerce between Spain and the United Kingdom, the Government of Her Britannic Majesty is prepared to record in a more formal manner the understanding now existing for the regulation of their commercial relations.

The Government of His Catholic Majesty, who believe that this understanding will be, for various reasons, equally convenient to that of Her Britannic Majesty, consider that the Agreement entered into by exchange of notes under date of the 20th and 29th June last, between your Excellency and my predecessor, Señor Moret, is maintained until the conclusion of a definitive Treaty, unless it be terminated by one of the High Contracting Parties, who shall, with this object, give to the other a notice of six months.

As before, it is agreed that it shall be open to any British Colony to withdraw from the present Agreement on notice to that effect being given by the Ambassador at Madrid to the Spanish Minister for Foreign Affairs within six months after the date of its signature.

I avail, &c.,

Sir H. D. Wolff.

ALEJANDRO GROIZARD.

CONVENTION between Great Britain and the United States, extending the Term provided in the Convention of July 22, 1892, for the Survey of the Alaska Boundary Line.—Signed at Washington, February 3, 1894.*

[Ratifications exchanged at Washington, March 28, 1894.]

THE Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and of the United States of

America, being credibly advised that the labours of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington on the 22nd July, 1892, providing for the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States, in respect to such portions of said boundary-line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Walter Q. Gresham, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following Articles:—

ART. I. The third paragraph of Article I of the Convention of the 22nd July, 1892, states that the respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting on the 28th November, 1892; hence the time allowed by that Convention expires on the 28th November, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to the 31st December, 1895.

II. The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington at the earliest practicable date.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 3rd day of February, 1894.

(L.S.) JULIAN PAUNCEFOTE.

(L.S.) W. Q. GRESHAM.

*AGREEMENT between Great Britain and Belgium, for the Exchange of Postal Parcels.—Signed at London, January 12, 1894; and at Brussels, February 9, 1894.**

THE Post Office of Great Britain and Ireland and the Administration of the Belgian State Railways agree to organize a regular exchange of parcels, both insured and uninsured, but without the collection of value on delivery, between Great Britain and Ireland and Belgium, on the basis of the stipulations of the Parcel Post Convention of the Universal Postal Union.

The conditions of the exchange of parcels, both those exchanged directly between Great Britain and Belgium and those sent in transit through these countries, are determined by the following rules:—

ART. I.—1. Parcels, both insured and uninsured, but without collection of value on delivery, may be forwarded under the designation of postal parcels from the United Kingdom to Belgium up to the weight of 11 lb. English avoirdupois, and from Belgium to the United Kingdom up to the weight of 5 kilog. The rates vary according as the weight of the parcel does not exceed 1 kilog. (3 lb. English), exceeds 1 kilog. (3 lb. English) but does not exceed 3 kilog. (7 lb. English), or exceeds 3 kilog. (7 lb. English) but does not exceed 5 kilog. (11 lb. English).

2. The largest sum for which a parcel may be insured is fixed at 50l. in the United Kingdom and 1,250 fr. in Belgium.

3. The tariff to be published by agreement between the Administrations interested will indicate to what conditions of packing, dimension, &c., the parcels must be subject in order to be accepted for transmission; it will also indicate the kinds of articles which will be excluded from the service.

II.—1. Freedom of transit over the territory of each of the two contracting countries is guaranteed for parcels originating in or addressed to countries for which either of the two countries serves as intermediary.

2. The following stipulations are generally applicable to the relations between the United Kingdom and Belgium, not only as regards parcels exchanged between the two contracting countries, but also as regards parcels sent in transit through those countries.

III. Prepayment of postage on postal parcels is obligatory.

IV. The postage on parcels sent from the United Kingdom addressed to Belgium, or *vice versa*, including the rate of 25 centimes per parcel for delivery and the performance of Customs formalities, is apportioned in the manner indicated below. The delivery rate,

* Signed also in the French language. Detailed Regulations for the execution of the Convention were signed on the same dates. See page 276.

instead of being levied from the addressee, is collected from the sender at the same time as the rest of the postage which he has to pay.

(a.) Parcels from Belgium to the United Kingdom :—

	Parcels not exceeding 1 kilog.	Parcels from 1 to 3 kilog.	Parcels from 3 to 5 kilog.	Additional Fee for Insured Parcels. For each 300 fr. or fraction of 300 fr.
	Fr. c.	Fr. c.	Fr. c.	Fr. c.
<i>British Post Office.</i>				
Territorial rate	0 50	1 00	1 40	0 05
Share in the rate for delivery and Customs formalities	0 10	0 10	0 10	..
<i>Belgian Administration.</i>				
Territorial and sea rate ..	0 75	0 75	1 00	0 20
Share in the rate for delivery and Customs formalities	0 15	0 15	0 15	..
Totals	1 50	2 00	2 65	0 25

(b.) Parcels from the United Kingdom to Belgium :—

	Parcels not exceeding 3 lb. (English).	Parcels from 3 lb. to 7 lb. (English).	Parcels from 7 lb. to 11 lb. (English).	Additional Fee for Insured Parcels. For each 12l. or fraction of 12l.
	Fr. c.	Fr. c.	Fr. c.	Fr. c.
<i>British Post Office.</i>				
Territorial rate	0 50	1 00	1 40	0 10
Share in the rate for delivery and Customs formalities	0 15	0 15	0 15	..
<i>Belgian Administration.</i>				
Territorial and sea rate ..	0 75	0 75	1 00	0 15
Share in the rate for delivery and Customs formalities	0 10	0 10	0 10	..
Totals*	1 50	2 00	2 65	0 25†

* The equivalents are fixed by the Detailed Regulations.

† To this fee is added a registration fee of 25 centimes per parcel, which is retained by the British Post Office.

V. The two Administrations are accountable to one another for the sums indicated below :—

(1.) *Parcels addressed to Belgium.*

The British Post Office pays to the Belgian Administration :

(a.) For each parcel not exceeding 7 lb. avoirdupois, 85 centimes ; for each parcel exceeding 7 lb. but not exceeding 11 lb., 1 fr. 10 centimes ;

(b.) In the case of an insured parcel, an additional rate of 15 centimes for each 300 fr. or fraction of 300 fr. of the value insured.

(2.) *Parcels in Transit through Belgium.*

For the combined territorial and sea service the British Post Office pays to the Belgian Administration :

(a.) For each parcel not exceeding 11 lb. avoirdupois, 50 centimes ;

(b.) In the case of an insured parcel, an additional rate of 5 centimes for each 300 fr. or fraction of 300 fr. of the value insured.

These rates must be increased by the sums due for the onward service.

(3.) *Parcels addressed to the United Kingdom.*

The Belgian Administration pays to the British Post Office :

(a.) For each parcel not exceeding 1 kilog., 60 centimes ; for each parcel exceeding 1 kilog., but not exceeding 3 kilog., 1 fr. 10 centimes ; for each parcel exceeding 3 kilog., but not exceeding 5 kilog., 1 fr. 50 centimes.

(b.) In the case of an insured parcel, an additional rate of 5 centimes for each 300 fr. or fraction of 300 fr. of the value insured.

(4.) *Parcels in Transit through the United Kingdom.*

The Belgian Administration pays to the British Post Office :

(a.) For each parcel not exceeding 1 kilog., 50 centimes ; for each parcel exceeding 1 kilog. but not exceeding 3 kilog., 1 fr. ; for each parcel exceeding 3 kilog. but not exceeding 5 kilog., 1 fr. 40 centimes ;

(b.) In the case of an insured parcel, an additional rate which must not exceed the insurance fee levied in the United Kingdom on parcels addressed to the same place.

These rates must be increased by the sums due for the onward service.

VI. The parcels to which the present Agreement applies cannot be subjected to any postal charge other than those contemplated by the foregoing Articles IV and V and by Article VII following.

VII. The redirection of postal parcels from one country to another, in consequence of the removal of the addressees, as well as the return of undelivered postal parcels, gives rise to a supplementary charge of the rates fixed by Articles IV and V against the addressees or the senders, as the case may be, without prejudice to any claim for reimbursement of customs duties paid.

VIII. It is forbidden to send by post parcels containing letters, or notes having the character of private correspondence, or articles the admission of which is not authorized by the Customs or other laws or regulations of the countries concerned.

IX.—1. Insurance is *obligatory* in the case of parcels containing coin, articles of gold or silver, or other precious articles.

2. When a parcel containing articles of this kind is forwarded uninsured, the Administration which discovers the irregularity proceeds with regard to the sender or addressee, as the case may be, according to its own regulations.

X.—1. Except in cases beyond control, when an uninsured postal parcel has been lost or damaged, compensation is paid to the sender or, in default of or at the request of the sender, to the addressee according to the laws and regulations of each of the two contracting countries; provided that, as regards the English and the sea service, the indemnity may not exceed 25 fr. The sender of a lost parcel has, moreover, a right to have the postage refunded to him.

2. For insured parcels the responsibility is regulated in the manner indicated in section 1; but the indemnity may not exceed the amount of the value insured.

3. The obligation of paying the indemnity rests with the Administration to which the dispatching Office is subordinate. That Administration has its remedy against the responsible Administration, that is to say, against the Administration on the territory or in the service of which the loss or the damage took place.

4. Until the contrary be proved, the responsibility rests with the Administration which, having received the parcel without making any observation, is unable to establish either the delivery to the addressee or the regular transfer to the following Administration, as the case may be.

5. The payment of the indemnity by the dispatching Office shall take place as soon as possible, and at the latest within a year of the date of the application.

6. The responsible Office is bound to refund to the dispatching
[1893-94. LXXXVI.]

Office, without delay, the amount of the indemnity paid by the latter.

7. It is understood that the application for an indemnity is only entertained if made within a year of the posting of the parcel; after this term the applicant has no right to any indemnity.

8. The Administrations cease to be responsible for parcels of which the owners have accepted delivery, save in the cases reserved by the internal regulations.

XI. The insurance of a parcel for a sum above the real value of the contents, with intent to defraud, is forbidden. In the case of a fraudulent insurance of this kind the sender loses all claim to compensation; and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

XII. The internal legislation of each of the contracting countries remains applicable as regards everything not provided for by the stipulations contained in the present Agreement.

XIII. The Administrations concerned of the contracting countries indicate the Offices or localities which they admit to the international exchange of postal parcels; they regulate the mode of transmission of those parcels, and fix all other measures of detail and order necessary for insuring the execution of the present Agreement.

XIV.—1. The present Agreement shall come into operation on the 1st day of March, 1894, and shall remain in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to determine it.

2. In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto their seals.

Done in duplicate at London, the 12th day of January, 1894; and at Brussels, the 9th day of February, 1894.

(L.S.) ARNOLD MORLEY.

(L.S.) J. VANDENPEEBEBOOM, *Ministre des
Chemins de Fer, Postes, et Télégraphes.*

AGREEMENT between Great Britain and His Majesty King Leopold II, Sovereign of the Independent State of the Congo, relating to the Spheres of Influence of Great Britain and the Independent State of the Congo in East and Central Africa.
—Signed at Brussels, May 12, 1894.

THE Undersigned, the Honourable Sir Francis Richard Plunkett, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the King of the Belgians, on behalf of the British Government, and M. van Eetvelde, Secretary of State of the Interior, of the Independent State of the Congo, on behalf of the Government of the Independent State of the Congo, duly authorized by their respective Governments, have agreed as follows :

His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo, having recognized the British sphere of influence, as laid down in the Anglo-German Agreement of the 1st July, 1890,* Great Britain undertakes to give to His Majesty a lease of territories in the western basin of the Nile, under the conditions specified in the following Articles:—

ART. I.—(a.) It is agreed that the sphere of influence of the Independent Congo State shall be limited to the north of the German sphere in East Africa by a frontier following the 30th meridian east of Greenwich up to its intersection by the watershed between the Nile and the Congo, and thence following this watershed in a northerly and north-westerly direction.

(b.) The frontier between the Independent Congo State and the British sphere to the north of the Zambezi shall follow a line running direct from the extremity of Cape Akalunga on Lake Tanganyika, situated at the northernmost point of Cameron Bay at about 8° 15' south latitude, to the right bank of the River Luapula, where this river issues from Lake Moero. The line shall then be drawn directly to the entrance of the river into the lake, being, however, deflected towards the south of the lake so as to give the Island of Kilwa to Great Britain. It shall then follow the thalweg of the Luapula up to its issue from Lake Bangweolo. Thence it shall run southwards along the meridian of longitude of the point where the river leaves the lake to the watershed between the Congo and Zambezi, which it shall follow until it reaches the Portuguese frontier.

II. Great Britain grants a lease to His Majesty King Leopold II, Sovereign of the Independent Congo State, of the territories herein-

* Vol. LXXXII, page 85.

after defined, to be by him occupied and administered on the conditions and for the period of time hereafter laid down.

The territories shall be bounded by a line starting from a point situated on the west shore of Lake Albert, immediately to the south of Mahagi, to the nearest point of the frontier defined in paragraph (a) of the preceding Article. Thence it shall follow the watershed between the Congo and the Nile up to the 25th meridian east of Greenwich, and that meridian up to its intersection by the 10th parallel north, whence it shall run along that parallel directly to a point to be determined to the north of Fashoda. Thence it shall follow the thalweg of the Nile southward to Lake Albert and the western shore of Lake Albert to the point above indicated south of Mahagi.

This lease shall remain in force during the reign of His Majesty Leopold II, Sovereign of the Independent Congo State.

Nevertheless, at the expiration of His Majesty's reign, it shall remain fully in force as far as concerns all the portion of the territories above mentioned situated to the west of the 30th meridian east of Greenwich, as well as a strip of 25 kilom. in breadth, to be delimited by common consent, stretching from the watershed between the Nile and the Congo up to the western shore of Lake Albert, and including the port of Mahagi.

This extended lease shall be continued so long as the Congo territories as an independent State or as a Belgian Colony remain under the sovereignty of His Majesty and His Majesty's successors.

Throughout the continuance of a lease there shall be used a special flag in the leased territories.

III.* The Independent Congo State grants under lease to Great Britain to be administered, when occupied, under the conditions and for the period hereafter determined, a strip of territory 25 kilom. in breadth, extending from the most northerly port on Lake Tanganyika, which is included in it, to the most southerly point of Lake Albert Edward.

This lease will have similar duration to that which applies to the territories to the west of the 30th meridian east of Greenwich.

IV. His Majesty King Leopold II, Sovereign of the Independent Congo State, recognizes that he neither has, nor seeks to acquire, any political rights in the territories ceded to him under lease in the Nile Basin other than those which are in conformity with the present Agreement.

Similarly, Great Britain recognizes that she neither has, nor seeks to acquire, any political rights in the strip of territory granted to her on lease between Lake Tanganyika and Lake Albert

* This Article was withdrawn by Declaration dated June 22, 1894, page 23.

Edward other than those which are in conformity with the present Agreement.

V. The Independent Congo State authorizes the construction through its territories by Great Britain, or by any Company duly authorized by the British Government, of a line of telegraph connecting the British territories in South Africa with the British sphere of influence on the Nile. The Government of the Congo State shall have facilities for connecting this line with its own telegraphic system.

This authorization shall not confer on Great Britain or any Company, person or persons, delegated to construct the telegraph line, any rights of police or administration within the territory of the Congo State.

VI. In the territories under lease in this Agreement the subjects of each of the Contracting Parties shall reciprocally enjoy equal rights and immunities, and shall not be subjected to any differential treatment of any kind.

In witness whereof the Undersigned have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at Brussels, this 12th day of May, 1894.

(L.S.) FRANCIS RICHARD PLUNKETT.

(L.S.) EDM. VAN EETVELDE.

EXCHANGE of Notes (Claims of Turkey and Egypt in the Basin of the Upper Nile; Recruitment).—May 12, 1894.

No. 1.—Sir F. Plunkett to M. van Eetvelde.

British Legation, Brussels,

M. LE SECRÉTAIRE D'ÉTAT,

May 12, 1894.

THE Earl of Kimberley, in authorizing me to sign the Agreement of this day's date for a lease of certain territories in the British sphere of influence in East Africa to His Majesty King Leopold II, has directed me to record the assurance that the parties to the Agreement do not ignore the claims of Turkey and Egypt in the basin of the Upper Nile.

I avail, &c.,

M. van Eetvelde.

F. R. PLUNKETT.

No. 2.—M. van Eetvelde to Sir F. Plunkett.

SIR,

Brussels, May 12, 1894.

IN signing, on behalf of His Majesty Leopold II, the Agreement of this day's date for a lease of certain territories in the

British sphere of influence in East Africa, I reciprocate the assurance that the parties to the Agreement do not ignore the claims of Turkey and Egypt in the basin of the Upper Nile.

I avail, &c.,

Sir F. Plunkett.

EDM. VAN EETVELDE.

No. 3.—M. van Eetvelde to Sir F. Plunkett.

M. LE MINISTRE,

Bruxelles, le 12 Mai, 1894.

AU cours des pourparlers auxquels a donné lieu la Convention de ce jour entre l'État Indépendant du Congo et la Grande-Bretagne, j'ai eu l'occasion de déclarer à votre Excellence que l'État du Congo s'engage à autoriser, le cas échéant, les recrutements de soldats que les Agents dûment commissionnés à cet effet par les autorités Britanniques désireraient effectuer dans les territoires situés entre le 30^e méridien et le Lac Albert.

J'ai l'honneur de confirmer cet engagement, et je saisis, &c.,

Sir F. Plunkett.

EDM. VAN EETVELDE.

No. 4.—Sir F. Plunkett to M. van Eetvelde.

British Legation, Brussels,

M. LE SECRÉTAIRE D'ÉTAT,

May 12, 1894.

IN accordance with the wish which you have expressed, I have to convey to your Excellency the assurance, on the part of the Earl of Kimberley, that his Lordship will be ready to recommend to Her Majesty's Secretary of State for the Colonies that facilities shall be given, so far as it may be found to be practicable, for recruitment, under suitable conditions, in the British Colonies on the West Coast of Africa, to facilitate the prompt and complete occupation by His Majesty King Leopold II of the territories in the western basin of the Nile comprised in the lease contained in the Agreement of this day's date.

I avail, &c.,

M. van Eetvelde.

F. R. PLUNKETT.

DECLARATION as to Withdrawal of Article III of the Agreement between Great Britain and His Majesty King Leopold II, Sovereign of the Independent State of the Congo, relating to the Spheres of Influence of Great Britain and the Independent State of the Congo in East and Central Africa. —Signed at Brussels, June 22, 1894.*

In compliance with the request made by His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo, that the Government of Her Britannic Majesty will consent to the withdrawal of Article III of the Agreement of the 12th May, 1894, the Undersigned, duly authorized by their respective Governments, agree that the said Article be withdrawn.

Done in duplicate at Brussels, the 22nd day of June, 1894.

(L.S.) F. R. PLUNKETT.

(L.S.) EDMOND VAN EETVELDE.

AGREEMENT between the Post Offices of Great Britain and France, for Increasing the Limit of Weight of Parcels exchanged by Parcel Post.—Signed at London, November 6, 1894; and at Paris, November 9, 1894.†

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, on the one side;

And the Director-General of Posts and Telegraphs of France, on the other side;

In view of the Convention of the 18th June, 1886,‡ Article I of which provides that the Postal Administrations of the two countries may fix by common consent, if their respective regulations permit, the charges and conditions to be applied to parcels weighing more than 3 kilog. but not more than 5 kilog.;

Have agreed as follows:—

ART. I.—1. The maximum weight of parcels exchanged by parcel post between France and Great Britain is raised to 5 kilog., or 11 lb. avoirdupois.

2. The territorial rate assigned to Great Britain for parcels

* Page 19.

† Signed also in the French language.

‡ Vol. LXXVII, page 66.

weighing from 3 to 5 kilog. is fixed at 1 fr. 50 c., exclusive of the fee of 25 centimes for delivery and the fulfilment of Customs formalities.

3. The territorial rate assigned to France remains fixed at 50 centimes, exclusive of the fee of 25 centimes for delivery and the fulfilment of Customs formalities, and the stamp duty of 10 centimes.

II. The postage on parcels weighing from 3 to 5 kilog., addressed from one of the two countries to the other, is fixed at 2 fr. 60 c. for a parcel sent from France, and 2s. 2d. for a parcel sent from Great Britain.

This postage is made up as follows :

	Fr. c.	s. d.
French stamp duty	0 10	0 1
French territorial rate	0 50	0 5
Sea rate	0 25	0 2½
British territorial rate	1 50	1 3
Fee for delivery at destination	0 25	0 2½
Total	2 60	2 2

III.—1. In all cases either of loss, of abstraction, or of damage, except such as are beyond control, the sender of an uninsured parcel or, in default of the sender or at his request, the addressee has a claim to an indemnity corresponding with the actual amount of the loss, abstraction, or damage. Nevertheless this indemnity cannot exceed 25 fr. or 15 fr., according as the weight of the parcel is or is not more than 3 kilog.

2. Moreover, the sender of a lost parcel is entitled to have the postage refunded.

IV. The present Agreement shall have the same duration as the Convention of the 18th June, 1886.

Done in duplicate and signed at London, on the 6th November, 1894; and at Paris, on the 9th November, 1894.

(L.S.) ARNOLD MORLEY, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) J. DE SELVES, *Directeur-Général des Postes et des Télégraphes de France.*

*AGREEMENT between Great Britain and Germany, respecting the Parcel Post between the two Countries.—Signed at London, November 3, 1894; and at Berlin, November 14, 1894.**

THE Post Office of Great Britain and Ireland and the Imperial German Post Office agree to effect a regular exchange of parcels, both insured and uninsured, between the United Kingdom and Germany, on the basis of the Vienna Parcel Post Convention of the 4th July, 1891.†

The following regulations are generally applicable, not only to parcels exchanged direct between the United Kingdom and Germany, but also to parcels sent in transit to or from one of the two countries through the other :—

ART. I.—1. Parcels may be forwarded by parcel post from the United Kingdom to Germany up to the weight of 11 lb. English, and from Germany to the United Kingdom, up to the weight of 5 kilog.

2. The parcels thus exchanged may be insured up to the sum of 50*l.* or 1,000 marks (1,250 fr.).

3. The detailed Regulations annexed to the present Agreement define the other conditions on which the parcels are admitted to the service.

II.—1. The two Post Offices guarantee the right of transit for parcels over their territory to or from any country with which they respectively have parcel post communication; and they undertake responsibility for transit parcels within the limits determined by Article XI below.

2. In the absence of any arrangement to the contrary between the Administrations concerned, the conveyance of postal parcels thus exchanged between countries not contiguous is effected *à découvert*.

III. The prepayment of the postage on parcels is compulsory, except in the case of redirected parcels.

IV. The sums to be prepaid on parcels originating in the United Kingdom addressed to Germany, and *vice versa*, are as follows :—

1. On parcels from the United Kingdom for Germany :

(a.) For any parcel sent by sea direct—

* Signed also in the German language.

† Vol. LXXXIII, page 976.

	Postage.			Insurance Fee for every 12l. of value declared.
	Not over 3 lb. in weight.	Over 3 lb. but not over 7 lb.	Over 7 lb. but not over 11 lb.	
	Fr. c.	Fr. c.	Fr. c.	
British territorial rate	0 50	1 10	1 60	10
Sea rate	0 25	0 25	0 25	10
German territorial rate	0 50	0 50	0 50	5
Totals	1 25	1 85	2 35	25

(b.) For any parcel sent via Belgium—

	Postage.			Insurance Fee for every 12l. of value declared.
	Not over 3 lb. in weight.	Over 3 lb. but not over 7 lb.	Over 7 lb. but not over 11 lb.	
	Fr. c.	Fr. c.	Fr. c.	
British territorial rate	0 60	1 10	1 60	15
Belgian transit rate (land and sea combined)	0 50	0 50	0 50	5
German territorial rate	0 50	0 50	0 50	5
Totals	1 60	2 10	2 60	25

(c.) The British Post Office is also entitled to collect and retain a registration fee not exceeding 25 centimes on each insured parcel from the United Kingdom for Germany.

2. On parcels from Germany for the United Kingdom :

(a.) For any parcel sent by sea direct—

	Postage per Parcel.	Insurance Fee for every 240 Marks of value declared.
	Fr. c.	c.
German territorial rate	0 50	5
Sea rate	0 25	10
British territorial rate	1 10	5
Totals	1 85	20

(b.) For any parcel sent *viâ* Belgium—

	Postage per Parcel.	Insurance Fee for every 240 marks of value declared.
	Fr. c.	c.
German territorial rate	0 50	15
Belgian transit rate (land and sea combined)	0 50	5
British territorial rate	1 10	5
Totals	2 10	25

V.—1. The Post Office of the country of origin pays to the Post Office of the country of destination the territorial rate of the latter, and also the sea rate, if the latter Office provides for the sea service.

2. The Post Office of the country of origin is also accountable for the Belgian transit rate in the case of parcels transmitted *viâ* Belgium.

3. The German Post Office reserves to itself the right of levying at any future period, if circumstances require it, a surcharge of 25 centimes on all parcels originating in or destined for Germany.

VI.—1. On parcels sent from Germany in transit through the United Kingdom the British Post Office is entitled to receive a territorial postage rate of 1 fr. per parcel.

2. On parcels sent from the United Kingdom in transit through Germany the German Post Office is entitled to receive a territorial postage rate of 50 centimes per parcel.

3. The Post Office of the country of origin has also to defray all charges for the onward land and sea transit of the parcels.

4. The insurance fees to be credited by one of the two Offices to the other on transit parcels shall be a matter for subsequent settlement. These fees shall, however, in no case be higher than those which the Office acting as medium charges the senders of insured parcels sent from the transit country to the same destination.

VII. In Germany there may be levied from the addressee, for the delivery of the parcels and for the fulfilment of Custom-house formalities, a charge not exceeding 25 centimes for each parcel.

VIII. The parcels to which the present Agreement applies cannot be subjected to any postal charge other than those contemplated by the foregoing Articles IV, V, and VII, and by Article IX following.

IX. For the redirection of postal parcels from one country to

the other, as well as for the return of undelivered postal parcels, a supplementary charge on the basis of the rates fixed by Article IV shall be collected from the addressees or the senders, as the case may be.

X.—1. It is forbidden to send by post parcels containing letters, or communications of the nature of a letter, or articles the admission of which is not authorized by the Customs or other laws or regulations of either country. A parcel may, however, contain an open invoice in its simplest form.

2. It is equally forbidden to send coin, anything made of gold or silver, or other precious articles from one country to the other in uninsured parcels.

3. If a parcel contravening any of these prohibitions is handed over by one Administration to the other, the latter proceeds in the manner and with the formalities prescribed by its law or inland regulations.

XI.—1. Except in cases beyond control, when a postal parcel has been lost or damaged, the sender, and, in default or at the request of the sender, the addressee, is entitled to an indemnity corresponding with the actual amount of the loss or damage; provided always that this indemnity may not exceed, in the case of an uninsured parcel, 25 fr. or 15 fr., according as the weight of the parcel exceeds or does not exceed 3 kilog., and, in the case of an insured parcel, the sum for which it has been insured. The sender of a lost parcel is also entitled to the return of the postage.

2. The obligation of paying the indemnity rests with the Administration to which the dispatching Office is subordinate. To that Administration is reserved a remedy against the Administration responsible, that is to say, against the Administration on the territory or in the service of which the loss or the damage took place.

3. Until the contrary be shown, the responsibility rests with the Administration which, having received the parcel without making any observation, cannot prove its delivery to the addressee, or, in the case of a transit parcel, its regular transfer to the following Administration.

4. The payment of the indemnity to the sender or addressee ought to take place as soon as possible, and at the latest within a year of the date of the application. The Administration responsible is bound to make good, without delay, the amount of the indemnity paid.

5. It is understood that no application for an indemnity is entertained unless made within a year of the posting of the parcel; after this term the applicant has no right to any indemnity.

6. If the loss or the damage occurred in course of conveyance

between the exchanging Offices of the two countries, without its being possible to ascertain on the territory or in the service of which the loss or damage took place, each Administration pays half of the indemnity.

7. The Administrations cease to be responsible for postal parcels of which the owners have accepted delivery.

XII.—1. No parcel may be insured for an amount above the real value of its contents.

2. In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation; and the enforcement of this rule does not prejudice any legal proceedings of which the law of the country of origin may admit.

XIII. The internal legislation of both Germany and the United Kingdom remains applicable as regards everything not provided for by the stipulations contained in the present Agreement.

XIV. The two Postal Administrations indicate the offices or localities which they admit to the international exchange of postal parcels; they regulate the mode of transmission of these parcels, and fix all other measures of detail and order necessary for insuring the performance of the present Agreement.

XV. This Agreement shall supersede the Convention dated the 17th December, 1885,* and the Supplementary Agreement of the 29th November 1893,† It shall come into operation on the 1st December, 1894, and shall be terminable on a notice of one year by either party.

Done in duplicate at London, the 3rd day of November, 1894; and at Berlin, the 14th day of November, 1894.

(L.S.) ARNOLD MORLEY.

(L.S.) v. STEPHAN.

DETAILED REGULATIONS for carrying out the Agreement concerning the Exchange of Parcels by Parcel Post between the British and German Post Offices.—Signed at London, November 3, 1894; and at Berlin, November 14, 1894.

I.—1. THE exchange of parcels between Germany and the United Kingdom is carried on—

(a.) By the direct sea route;

(b.) Via Belgium.

2. The duties of Offices of Exchange are undertaken—

(a.) As regards the transmission by the direct sea route, by the

* Vol. LXXVI, page 108.

† Vol. LXXXV, page 43.

Post Offices of Hamburg and Bremen, on the one side, and by the Post Offices of London, Manchester, Sheffield, and Grimsby, on the other side;

(b.) As regards the transmission *viâ* Belgium, by the Post Offices of Cologne and Aix-la-Chapelle, on the one side, and by the Post Office of London, on the other side.

II.—1. In fixing rates of postage, 50 centimes are taken as equivalent to 40 pfennig or 5*d*.

2. On this basis the postage for the conveyance of parcels between Germany and the United Kingdom, from the place of posting to the place of destination, is:—

(A.) By the direct sea route:

(a.) In Germany—

For a parcel not exceeding 5 kilog. in weight, 1 m. 50 pf.

(b.) In the United Kingdom—

(1.) For a parcel weighing not more than 3 lb., English, 1*s*.;

(2.) For a parcel weighing more than 3 lb. but not more than 7 lb., English, 1*s*. 7*d*.;

(3.) For a parcel weighing more than 7 lb. but not more than 11 lb., English, 2*s*.

(B.) *Viâ* Belgium:

(a.) In Germany—

For a parcel weighing not more than 5 kilog., 1 m. 70 pf.

(b.) In the United Kingdom—

(1.) For a parcel not weighing more than 3 lb., English, 1*s*. 4*d*.;

(2.) For a parcel weighing more than 3 lb. but not more than 7 lb., English, 1*s*. 9*d*.;

(3.) For a parcel weighing more than 7 lb. but not more than 11 lb., English, 2*s*. 2*d*.

3. In levying the insurance fees on parcels in Germany, 16 pfennig are taken as equivalent to 20 centimes, or 20 pfennig to 25 centimes; in the United Kingdom, 2½ pence are taken as equivalent to 25 centimes. The amounts are rounded up, when necessary, according to the internal regulations.

4. The amount of postage paid, when not indicated by postage stamps affixed to the dispatch note, should be notified upon the dispatch note.

III.—1. The two Postal Administrations acquaint each other which of the regular sea services maintained by them may be employed for the conveyance of parcels.

2. The two Administrations, after a preliminary understanding has been arrived at with the countries concerned, communicate to each other:—

(a.) A list of the countries with regard to which they may respectively serve as medium for the conveyance of postal parcels;

(b.) The routes available for the transmission of the said parcels, from the point of entry on their territories, or into their services ;

(c.) The total amount of the charges to be paid to them under this head, for each destination, by the Office which consigns the parcels to them.

3. By means of this information the Administrations determine the routes to be employed for the transmission of their parcels, and the rates to be collected from the senders.

IV. Parcels posted in the United Kingdom for Germany must not exceed 2 feet English in length, breadth, or depth ; and parcels posted in Germany for the United Kingdom must not exceed 60 centim. in length, breadth, or depth.

V.—1. Parcels containing explosive or combustible matter, and, in general, articles the conveyance of which is attended by danger, are excluded from the parcel post.

2. The two Administrations furnish each other with a list of prohibited articles and of articles liable to customs duties, but they do not thereby undertake any responsibility whatever towards either the police, the Customs authorities, or the senders of parcels.

VI.—1. No parcel must be accepted for conveyance by parcel post unless it bear the exact direction of the addressee. The address of parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be written on the actual covering of the parcel.

2. Every parcel must be packed in a manner adequate for the length of the journey and for the protection of the contents. The packing must be such as to make it impossible for the contents to be tampered with without leaving an obvious trace of violation.

3. Every parcel must be sealed by means of sealing wax, lead, or otherwise, with some special impress or mark of the sender.

4. Every insured parcel must bear on the cover and also on the dispatch note a statement of the sum for which it is insured, without erasure or addition, even if certified. When this statement is expressed in German or English money, the sender or the Post Office of the country of origin must indicate by new figures, placed beside or below the others, the equivalent of the amount in francs and centimes.

VII.—1. Each parcel must be accompanied by a dispatch note, and by Customs declarations in conformity with, or analogous to, specimens (A) and (B) hereto appended. The Administrations inform each other of the number of Customs declarations to be furnished for each country of destination.

2. One dispatch note and, if the Customs laws permit, one Customs declaration, may be used for two or three (but not more) parcels sent from the same sender to the same addressee. One

dispatch note must not, however, be used with both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilogrammes and grammes must be entered by the Office of origin both on the cover of the parcel and on the dispatch note, in the place provided for the purpose.

4. The Administrations are not responsible for the correctness of the Customs declarations.

VIII.—1. Each parcel, as well as the dispatch note relating to it, must bear a label in conformity with, or analogous to, specimen (C) hereto annexed, indicating the registered number and the name of the Office of origin.

2. The dispatch note is, moreover, impressed by the Office of origin, on the address side, with a stamp indicating the place and date of posting.

3. Each insured parcel must bear a red label with the word "Insured" or "Valeur déclarée" upon it.

4. The labels on parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge.

IX. When the exchange takes place through an intermediate territory, the parcels must follow the routes agreed upon by the Offices concerned. Parcels exchanged between Germany and the United Kingdom by way of Belgium are inclosed in sealed bags, baskets, or boxes.

X. The parcels are entered by the dispatching Office of exchange on a parcel bill, in conformity with specimen (D) appended to the present Regulations, with all the details required by this Form. The dispatch notes and the Customs declarations must be securely attached to the parcel bill.

XI. On the receipt of a parcel bill, the receiving Office of exchange proceeds to verify the parcels and the various documents entered on the bill, and, if needful, reports missing articles or any irregularities by means of a verification certificate in conformity with the annexed specimen (E).

XII.—1. Mis-sent parcels are forwarded to their destination by the most direct route at the disposal of the Office retransmitting them. When this retransmission involves the return of the parcels to the Office of origin, the amounts credited in the parcel bill of that Office are cancelled, and the retransmitting Office of exchange sends back the parcels to the Office from which it received them, simply recording them on the parcel bill. Attention is called to the error by means of a verification certificate.

2. In other cases, and if the amount credited to the retrans-

mitting Office is insufficient to cover the expenses of retransmission which it has to defray, it recovers the difference by raising the amount entered to its credit in the parcel bill of the dispatching Office of exchange. The reason for this rectification is notified to the said Office by means of a verification certificate.

3. Parcels redirected to a country which participates in the parcel post between Germany and the United Kingdom are subjected by the delivering Office to a charge, to be paid by the addressee, representing the sums due to this latter Office; to the redirecting Office, and to each intermediate Office, if there be any.

4. Each Office which forwards a redirected parcel claims on the parcel bill the amount due for the conveyance of the parcel.

5. But, if the amount chargeable for the further conveyance of a redirected parcel is paid at the time of its redirection, the parcel is dealt with as if it had been addressed direct from the retransmitting country to the country of destination, and is delivered without any postal charge to the addressee.

6. The senders of parcels which cannot be delivered are consulted as to the disposal of the parcels.

7. Articles liable to deterioration or corruption may, however, be sold immediately, without previous notice or legal formality, for the benefit of the right party. An account of the sale is drawn up.

8. If, within two months after the dispatch of a letter of inquiry, the Office of destination has not received instructions from the sender, the parcel is returned to the Office of origin. The interval is extended to six months in the case of countries beyond sea.

9. Parcels which have to be returned to the country of origin are entered on the parcel bill with the addition of the word "undeliverable" in the column for observations. They are dealt with and charged as redirected parcels are.

10. Any parcel, the addressee of which has left for a country not participating in the parcel post between Germany and the United Kingdom, is dealt with as undeliverable, unless the Office of the first destination be in a position to forward it to the addressee.

XIII.—1. Each Administration causes each of its exchanging Offices to prepare monthly for all the mails received from the exchanging Offices of the other Administration, a statement, in conformity with specimen (F) appended to the present Regulations, of the sums entered in each parcel bill, whether to its credit or to its debit.

2. The statements (F) are afterwards recapitulated by the same Administration in an account conforming to specimen (G), also appended to the present Regulations.

3. This account, accompanied by the monthly statements, the parcel bills, and, if any, the verification certificates relating thereto, is submitted to the examination of the other Administration in the course of the month which follows that to which it relates.

4. The monthly accounts, after having been verified and accepted on both sides, are included in a general quarterly account by the Administration to which the balance is due.

5. The payment resulting from the balance of these accounts between the two Administrations is effected through the International Bureau of the Universal Postal Union.

6. The drawing up, transmission, and payment of the accounts must be effected as early as possible, at the latest before the expiration of the following quarter. After the expiration of this term, the sums due from one Administration to the other bear interest at the rate of 5 per cent. per annum, to be reckoned from the date of expiration of the said term.

XIV. The Administrations communicate to each other from time to time the provisions of their laws or regulations applicable to the conveyance of parcels by parcel post.

XV. The present detailed Regulations shall come into force on the day of the execution of the Agreement, and shall have the same duration as the Agreement. The Administrations interested have, however, the power by common consent to modify the details from time to time.

Done in duplicate at London, the 3rd day of November, 1894; and at Berlin, the 14th day of November, 1894.

ARNOLD MORLEY.
v. STEPHAN.

*TREATY between Great Britain and Germany, for the Extradition of Criminals between the Territories of Her Majesty and certain Dependencies of Germany.—Signed at London, May 5, 1894.**

[Ratifications exchanged at London, December 3, 1894.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the German Emperor, King of Prussia, considering it advisable to regulate by a Treaty the extradition of criminals between certain dependencies of Germany and the territories of Her Britannic Majesty, have appointed as their Plenipotentiaries for this purpose :

* Signed also in the German language

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., Her Britannic Majesty's Secretary of State for Foreign Affairs; and

His Majesty the German Emperor, King of Prussia, His Minister of State, Paul, Count von Hatzfeldt-Wildenburg, Knight of the Exalted Order of the Black Eagle, &c., Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Majesty to Her Britannic Majesty;

Who, after having communicated to each other their respective full powers, which were found to be in good and due form, have agreed to and concluded the following Articles:—

ART. I. The provisions of the Extradition Treaty signed between Germany and Great Britain on the 14th May, 1872,* shall be applicable to the dependencies of Germany specified in the following Article, in such manner that persons in any of those dependencies, and within the sphere of the authorities established there, who are accused, or who have been convicted, of having committed a criminal act in the territories of Her Britannic Majesty, and persons in any of the aforesaid territories of Her Britannic Majesty, who are accused, or who have been convicted, of having committed a criminal act in any of the dependencies of Germany, shall be mutually extradited in accordance with the provisions of the aforesaid Treaty, in so far as they are not modified by the present Treaty.

II. For the purposes of the present Treaty, the following are the dependencies of Germany referred to in Article I:—

The territories in Africa, in New Guinea, and in the Pacific Ocean which, by agreement between Germany and Great Britain, have been, or shall in future be, reserved to Germany as spheres of influence, protectorates, or possessions.

III. In place of Article III of the Extradition Treaty of the 14th May, 1872, it is hereby provided, with regard to the dependencies of Germany, that there shall be no obligation to grant the extradition from those dependencies of natives or of subjects of the Empire, and that the British authorities shall be under no obligation to grant the extradition of British subjects who have been accused or convicted of a criminal act in those dependencies.

IV. There shall be no obligation to grant extradition from the dependencies of Germany in cases where, before the extradition has taken place, such an application has been received for the transfer of the person in question to the territory of the German Empire as must, according to law, be complied with. The granting of extra-

dition from a dependency of Germany must always be considered as being on the condition that no such application shall have been received before the extradition is carried out. In case the transfer to Germany takes place, it shall, however, be open to the British Government to apply for the extradition of the person concerned from Germany, in accordance with the terms of the Treaty of the 14th May, 1872.

V. Applications for extradition from dependencies of Germany shall be made through the British Ambassador at Berlin, in accordance with paragraph 1 of Article VIII of the Treaty of the 14th May, 1872, but in the case of persons who are accused, or who have been convicted, of criminal acts in the Colonies or foreign possessions of Her Britannic Majesty, the application for extradition may be made to the chief authority of the dependency of Germany from which the extradition of the persons in question is desired by the chief Consular officer of Her Britannic Majesty in the dependency in question, if there be a Consular officer therein, or, if there be none, then by the Governor or other chief authority of the Colony or foreign possession of Her Britannic Majesty concerned. It shall, however, be open to the chief authority of the dependency of Germany to refer to the German Government in case of doubt whether the application for extradition should be complied with.

Applications for the extradition of criminals to one of the dependencies of Germany shall be made in the manner provided in Article VIII, paragraph 1, and Article XV of the Treaty of the 14th May, 1872; in case, however, there should be no German Consular officer in the Colony or foreign possession of Her Britannic Majesty from which the extradition is desired, the application may be made by the Governor or other chief authority of the dependency of Germany which is concerned to the Governor or other chief authority of the Colony or possession concerned.

VI. The present Treaty shall be ratified, and the ratifications shall be exchanged as soon as possible.

The Treaty shall come into operation two months after the exchange of the ratifications, and shall remain in force as long as the Treaty of the 14th May, 1872, remains in force, that is, it shall terminate with the termination of that Treaty.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, the 5th day of May, in the year of Our Lord 1894.

(L.S.) KIMBERLEY.

(L.S.) HATZFELDT.

*CONVENTION between Great Britain and Germany, establishing a Customs Union between the Gold Coast Colony, east of the Volta, and Togoland.—Signed at Berlin, February 24, 1894.**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the German Emperor, with a view to assure the development of commerce within the territories of either State on the Gold and Slave Coasts, have concluded the following Convention :—

ART. I. The British possessions on the Gold and Slave Coasts, lying to the eastward of the River Volta, and the German possessions on the Gold and Slave Coasts shall form a single Customs territory, without any intervening Customs barrier, in such manner that one and the same rate of customs duty shall be levied within them, and that goods having paid customs duty on the one territory may be imported into the other without additional payment.

II. Goods imported into the joint Customs territory are liable to the following rates of duty :—

1.

Article paying Duty.	Rate in German Money.	Rate in English Money.
	M. pf.	s. d.
Gin, brandy, rum, liqueurs, and miscellaneous spirits or strong waters, irrespective of strength, per litre	0 22	0 9½ per old wine gallon.
Tobacco, per kilog.	0 50	0 2½ per lb.
Powder, per lb.	0 50	0 6
Fire-arms, each	2 00	2 0

2. All other articles imported are subject to an import duty of 4 per cent. *ad valorem*, provided that they be not expressly exempted from payment of duty.

3. The articles specified in the annexed Schedule are exempted from payment of duty.

III. Payment of duties may be made in German or English money. German and English small coin need only be accepted to the amounts of 20 marks or 1*l*.

IV. The Contracting Powers expressly bind themselves to

* Signed also in the German language.

abstain from influencing the natives in any unjustifiable or arbitrary manner in regard to their choice of places of buying and selling, and they will use their best endeavours to prevent such pressure being applied by traders or others.

V. The new Customs system shall come into force simultaneously in the English and German territories; to wit, on and after the 1st May, 1894. It is introduced for the term of two years, and shall remain in force thereafter until either Contracting Party shall terminate the present Convention by giving six months' notice of their desire to do so.

In witness whereof the Undersigned, duly authorized by their respective Governments, have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate, at Berlin, the 24th day of February, 1894.

(L.S.) EDWARD. B. MALET.

(L.S.) FREIHERR VON MARSCHALL.

Schedule of Articles exempted from Duty. (See Article II, paragraph 3, of the Convention of February 24, 1894.)

Anchors and chains.	Tools.
Drugs and medicines.	Charcoal.
Bellows.	Wood wares, excluding building materials and furniture.
Brooms.	Millinery.
Bedding.	Quicksilver.
Bitters, not being sweetened nor mixed with spirits.	Trunks.
Blue indigo.	Hand-bags and dressing-cases.
Books, newspapers, and printed matter.	Beef and pork.
Brushes and combs.	Oars.
Chemicals.	Bags and sacks.
Steam-launches.	Coffins.
Drain-pipes.	Salt.
Ironware for cooking purposes.	Seeds.
Paints.	Acids.
Flints.	Schea butter.
Filters.	Umbrellas.
Flags.	Stationery.
Fresh meat.	Canvas.
Poultry.	Trays, mirrors.
Purses and pocket-books.	Toys.
Safes and cash-boxes.	Spirits, rendered unfit for drinking, and not intended for fortifying other spirituous liquors.
Pictures.	Embroidery.
Coined money, legally current.	Instruments, surgical.
Glassware.	„ musical.
Bells.	„ scientific.
Gravestones.	
India-rubber.	

Jewellery.
 Calabashes.
 Chalk.
 Chains.
 Clothing, passengers' personal.
 Buttons.
 Coals.
 Confectionery.
 Corkwood.
 Lamps.
 Agricultural and gardening imple-
 ments.
 Empty demijohns.
 Candles.
 Machines for mining and agricultural
 purposes.
 Masts.
 Mats.
 Mineral waters.
 Grindstones.
 Show cards.
 Needlework, sewing materials.
 Oil, except kerosene, and illuminating
 oils.
 Pitch and tar.
 Horses, mules, asses.
 Harness.

Plants.
 Photographic apparatus and materials.
 Tarpaulins.
 Matches.
 Straw goods.
 Chairs.
 Molasses.
 Tallow.
 Clocks and watches.
 Educational appliances, imported with
 the sanction of the proper authority.
 Velocipedes.
 Cattle.
 Scales.
 Carriages and carts.
 Oakum.
 Shoe blacking.
 Goats and sheep.
 Every kind of article which is im-
 ported with the sanction of the
 Governor or Commissioner, as the
 case may be, in the public or official
 interest.
 Coopers' stores, including casks, pun-
 cheon shooks, hoops, and rivets, or
 hooks required for making them up.

*TREATY of Commerce and Navigation between Great Britain
and Japan.—Signed at London, July 16, 1894.*

[Ratifications exchanged at Tôkiô, August 25, 1894.]

HER Majesty the Queen of the United Kingdom of Great
 Britain and Ireland, Empress of India, and His Majesty the
 Emperor of Japan, being equally desirous of maintaining the
 relations of good understanding which happily exist between them
 by extending and increasing the intercourse between their respec-
 tive States, and being convinced that this object cannot better be
 accomplished than by revising the Treaties hitherto existing between
 the two countries, have resolved to complete such a revision, based
 upon principles of equity and mutual benefit, and, for that purpose,
 have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great
 Britain and Ireland, Empress of India, the Right Honourable

John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs;

And His Majesty the Emperor of Japan, Viscount Aoki Siuzo, Junii, first class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ART. I. The subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the Laws, Ordinances, and Regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or subjects or citizens of the most favoured nation.

II. The subjects of either of the Contracting Parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service whatsoever, whether in the army,

avy, national guard, or militia ; from all contributions imposed in aid of personal service ; and from all forced loans or military exactions or contributions.

III. There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two High Contracting Parties.

The subjects of each of the High Contracting Parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly, or in partnership with foreigners or native subjects ; and they may there own or hire and occupy the houses, manufactories, warehouses, shops and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation, subject always to the Laws, Ordinances, and Regulations of each country.

IV. The dwellings, manufactories, warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

V. No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving ; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place

arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the High Contracting Parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

VI. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

VII. The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

VIII. All articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article which is or may be legally exported

erefrom, whether such exportation shall take place in Japanese in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third power.

IX. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the same or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

X. In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

XI. The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances, and Regulations of Japan and of Great Britain respectively. It is, however, understood that Japanese subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such Laws, Ordinances, and Regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the Laws and Custom-house Regulations of the two countries.

The Japanese Government, however, agrees to allow British vessels to continue, as heretofore, for the period of the duration

of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisu-minato.

XII. Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such Consular officer, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Majesty shall take place in accordance with the Laws, Ordinances, and Regulations of Great Britain, and reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the Laws, Ordinances, and Regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws of the country, and such Consular officers, owners, or agents, shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

XIII. All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to British law, are to be deemed British vessels, shall, for the purposes of this Treaty, be deemed Japanese and British vessels respectively.

XIV. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

XV. The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects, or citizens of any other State, shall be extended immediately and unconditionally to the Government, ships, subjects, or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other, on the footing of the most favoured nation.

XVI. Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

XVII. The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

XVIII. Her Britannic Majesty's Government, so far as they are concerned, give their consent to the following arrangement:—

The several foreign Settlements in Japan shall be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

XIX. The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.

The Dominion of Canada.

Newfoundland.

The Cape.

Natal.

New South Wales:

Victoria.

Queensland.

Tasmania.

South Australia.

Western Australia.

New Zealand.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given to the Japanese Government by Her Britannic Majesty's Representative at Tôkiô within two years from the date of the exchange of ratifications of the present Treaty.

XX. The present Treaty shall, from the date it comes into force, be substituted in place of the Conventions respectively of the

23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854,* and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866,† the Treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858,‡ and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Conventions, Treaty, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British Courts in Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

XXI. The present Treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's Government shall have given notice to Her Britannic Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The Treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

XXII. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this 16th day of July, in the year of our Lord 1894.†

(L.S.) KIMBERLEY.

(L.S.) AOKI.

* Vol. XLIV, page 62.

† Vol. LVIII, page 317.

‡ Vol. XLVIII, page 28.

PROTOCOL.—Signed at London, July 16, 1894.

THE Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations :—

I. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff hereunto annexed shall, subject to the provisions of Article XXIII of the Treaty of 1858* at present subsisting between the Contracting Parties, as long as the said Treaty remains in force and thereafter, subject to the provisions of Articles V and XV of the Treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this Protocol, or the Tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The *ad valorem* duties established by the said Tariff shall, so far as may be deemed practicable, be converted into specific duties by a Supplementary Convention, which shall be concluded between the two Governments within six months from the date of this Protocol;† the medium prices, as shown by the Japanese Customs Returns during the six calendar months preceding the date of the present Protocol, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the Supplementary Convention not having come into force before the expiration of the period fixed for the said Tariff to take effect, *ad valorem* duties in conformity with the rule recited at the end of the said Tariff shall, in the meantime, be levied.

* Vol. XLVIII, page 28.

† Period extended for six months, i.e., to July 16, 1895, by exchange of Notes, December 20, 1894, see page 52.

In respect of articles not enumerated in the said Tariff, the General Statutory Tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of Article XXIII of the Treaty of 1858 and Articles V and XV of the Treaty signed this day respectively.

From the date the Tariffs aforesaid take effect, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing Treaties and Conventions shall be maintained unconditionally until the time when the Treaty of Commerce and Navigation signed this day comes into force.

II. The Japanese Government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British Representative in Tôkiô, or from any of Her Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Prefecture in which an open port is situated; it being understood that the existing Rules and Regulations governing British subjects who visit the interior of the Empire are to be maintained.

III. The Japanese Government undertakes, before the cessation of British Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

IV. It is understood between the two High Contracting Parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.

V. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

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E

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this 16th day of July, in the year of Our Lord 1894.

(L.S.) KIMBERLEY.

(L.S.) AOKI.

Annex.—*Tariff.*

Articles.	<i>Ad valorem</i> Rates of Duty.
	Per cent.
Caoutchouc, manufactures of	10
Cement, Portland	5
Cotton—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton, however, predominating	10
Glass, window, ordinary—	
(a.) Uncoloured and unstained	8
(b.) Coloured, stained, or ground	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and steel—	
Pig and ingot	5
Rails	5
Bar, rod, plate, and sheet	7½
Tinned plates	10
Galvanized sheet	10
Pipes and tubes	10
Lead, pig, ingot, and slab	5
Leather—	
Sole	15
Other kinds	10
Linen—	
Yarns	8
Tissues	10
Mercury or quicksilver	5
Milk, condensed or desiccated	5
Nails, iron	10
Oil, paraffin	10
Paint in oil	10
Paper, printing	10
Refined sugar	10
Saltpetre	5
Screws, bolts, and nuts, iron	10
Silk, satins, and silk and cotton mixtures	15
Tin—	
Block, pig, and slab	5
Plates	10
Wax, paraffin	5
Wire—	
Telegraph	5
Iron and steel, and small rod iron and steel not exceeding ½ inch in diameter	10

Articles.	<i>Ad valorem</i> Rates of Duty.
	Per cent.
Woollen and worsted—	
Yarns	8
Tissues of all sorts, plain or mixed with other material, the wool, however, predominating	10
Yarns of all sorts, not specially provided for	10
Zinc—	
Block, pig, and slab	5
Sheet	7½

Rule for calculating ad valorem Duties.

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

EXCHANGE of Notes (Accession of Colonies).—July 16, 1894.

The Earl of Kimberley to Viscount Aoki.

SIR,

Foreign Office, July 16, 1894.

WITH reference to Article XIX of the Treaty between Great Britain and Japan signed this day, in view of the fact that some of the British Colonies and foreign possessions enumerated in that Article might be prevented from acceding to the present Treaty by reason of their inability to accept the stipulations relating to military service contained in Article II of the said Treaty, and in order to avoid future misunderstandings, Her Majesty's Government request from the Government of Japan an assurance that any of the said British Colonies and possessions may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article II.

I have, &c.,

Viscount Aoki.

KIMBERLEY.

Viscount Aoki to the Earl of Kimberley.

M. LE COMTE,

Japanese Legation, London, July 16, 1894.

IN reply to the note of Her Majesty's Government, referring to Article XIX of the Treaty between Great Britain and Japan signed this day, and requesting, for the reasons given in the said note, an

assurance that any of the British Colonies and foreign possessions enumerated in that Article may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article II, the Government of Japan hereby give the assurance desired.

I have, &c.,

The Earl of Kimberley.

AOKI.

Japanese Note (Judicial Codes).

Viscount Aoki to the Earl of Kimberley.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan, in virtue of special authorization from His Imperial Japanese Majesty's Government, has the honour to announce to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs that the Imperial Japanese Government, recognizing the advantage of having the Codes of the Empire which have already been promulgated in actual operation when the Treaty stipulations at present subsisting between the Government of Japan and that of Great Britain cease to be binding, engage not to give the notice provided for by the first paragraph of Article XXI of the Treaty of Commerce and Navigation, signed this day, until those portions of said Codes which are now in abeyance are brought into actual force.

The Undersigned avails, &c.

The Earl of Kimberley.

AOKI.

Japanese Legation, London, July 16, 1894.

NOTES exchanged between Great Britain and Japan, extending for Six Months the Term for the Conclusion of a Convention supplementary to the Treaty of July 16, 1894.—Tōkiō, December 20, 1894.*

No. 1.—Mr. Trench to Viscount Mutsu.

THE Undersigned has the honour to inform his Excellency Viscount Mutsu that he has received a telegram from Her Majesty's Principal Secretary of State for Foreign Affairs stating that important papers having reference to cotton and woollen

goods are on their way to him, having been dispatched by the mail which left London on the 8th instant, and directing him to arrange, if possible, for the extension of the term specified in the Protocol of the 16th July, 1894,* for the signature of the Supplementary Convention, in order to give time for the consideration of these documents by the British Delegates on the Tariff Commission before the conversion of *ad valorem* duties into specific duties is finally determined.

The Undersigned has therefore the honour to propose to his Excellency, for the consideration and approval of the Imperial Japanese Government, that the term specified in the Protocol for the signature of the Supplementary Convention be extended for a further period of six months from the 16th January, 1895.

The Undersigned avails, &c.

P. LE POER TRENCH, *Her Britannic Majesty's
Envoy Extraordinary and Minister Plenipo-
tentiary in Japan.*

Tôkiô, December 20, 1894.

No. 2.—*Viscount Mutsu to Mr. Trench.*

THE Undersigned has the honour to acknowledge the receipt of the note of his Excellency the Honourable Mr. Trench of this date, in which his Excellency, after explaining the reasons why some additional time is necessary for the conclusion of the Supplementary Convention provided for by the Protocol of the 16th July, 1894, proposes, for the consideration of the Imperial Government, that the time specified in the Protocol for the signature of the Supplementary Convention be extended for a further period of six months from the 16th January, 1895.

The Undersigned begs to say, in reply, that the Imperial Government have no objection to the extension proposed by his Excellency, and accordingly that they now understand that the period within which the Supplementary Convention is to be concluded will not expire until the 16th July, 1895.

The Undersigned avails, &c.

MUTSU, *His Imperial Japanese Majesty's
Minister for Foreign Affairs.*

The Gaimusho, Tôkiô, 20th day of the 12th month of the 27th year of Meiji.

*DECLARATION between Great Britain and Greece, respecting Trade-Marks, Industrial Designs, and Patterns.—Signed at Athens, July 27, 1894.**

THE Government of Her Britannic Majesty and the Government of His Hellenic Majesty being desirous to determine in a more explicit manner the text of the Treaty of Commerce and Navigation of the ^{29th October}_{10th November}, 1886,† concluded in Athens between Great Britain and Greece, the Undersigned have proceeded by mutual consent to the following Declaration:—

The Government of Her Britannic Majesty declare that under the terms of the Treaty of Commerce and Navigation between Great Britain and Greece of the ^{29th October}_{10th November}, 1886, the subjects of His Hellenic Majesty have in the United Kingdom of Great Britain and Ireland the same rights as are now granted, or may hereafter be granted, to British subjects or to subjects of the most favoured nation in all that relates to trade-marks, industrial designs, and patterns, and on their side the Government of His Hellenic Majesty declare that the subjects of Her Britannic Majesty have in the Kingdom of Greece the same rights as are now granted, or may hereafter be granted, to Hellenic subjects or to subjects of the most favoured nation in all that relates to trade-marks, industrial designs, and patterns, it being understood that in order that such rights may be obtained the formalities required by the laws of the respective countries must be observed.

In witness whereof Mr. Edwin Egerton, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Hellenes, and M. Denis Stéphanos, His Hellenic Majesty's Minister, charged with the direction of Foreign Affairs, have signed the present Declaration, and thereto affixed their respective seals.

Done in duplicate at Athens on the 27th day of July, in the year 1894.

(L.S.) EDWIN H. EGERTON

(L.S.) DEN. STÉPHANOS.

* Signed also in the Greek language.

† Vol. LXXVII, page 100.

*PROTOCOL between Great Britain and Italy, respecting the Demarcation of their respective Spheres of Influence in Eastern Africa.—Signed at Rome, May 5, 1894.**

In order to complete the delimitation of the spheres of influence of Great Britain and Italy in Eastern Africa, which formed the subject of the Protocols signed at Rome on the 24th March† and the 15th April, 1891,† the Undersigned :

Sir Francis Clare Ford, Ambassador Extraordinary and Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, to His Majesty the King of Italy ; and

Francesco Crispi, President of the Council of Ministers of His Majesty the King of Italy ;

Authorized by their respective Governments, have agreed as follows :—

I. The boundary of the spheres of influence of Great Britain and of Italy in the regions of the Gulf of Aden shall be constituted by a line which, starting from Gildessa and running towards the 8th degree of north latitude, skirts the north-east frontier of the territories of the Girrhi, Bertiri, and Rer Ali tribes, leaving to the right the villages of Gildessa, Darmi, Gig-giga, and Milmil. On reaching the 8th degree of north latitude the line follows that parallel as far as its intersection with the 48th degree of longitude east of Greenwich. It then runs to the intersection of the 9th degree of north latitude with the 49th degree of longitude east of Greenwich, and follows that meridian of longitude to the sea.

II. The two Governments engage to conform, in the regions of the British Protectorate and in those of the Ogdan, to the stipulations contained in the General Act of Berlin and in the Declaration of Brussels relative to freedom of trade, in favour as well of British and Italian subjects and protected persons as of the tribes inhabiting those territories.

III. In the port of Zeyla there shall be equality of treatment between British and Italian subjects and protected persons, in all that relates to their persons, their property, and to the exercise of trade and industry.

Rome, May 5, 1894.

(L.S.) FRANCIS CLARE FORD.

(L.S.) FRANCESCO CRISPI.

* Signed also in the Italian language.

† Vol. LXXXIII, page 19.

*CONVENTION between Great Britain and China, respecting
the Junction of the Chinese and Burmese Telegraph Lines.—
Signed at Tien-tsin, September 6, 1894.*

ART. I. The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of China, with a view to facilitating international telegraph communication, have resolved to effect a junction between the telegraph lines of the two States on the frontier of Burmah and Yunnan.

II. The junction shall be effected between the British station at Bhamo and the Chinese station at Tingyueh (Momein), at a point situated conveniently near to where the main route of communication between those places crosses the frontier. The exact point of junction is to be arranged as soon as possible.

An intermediate station will be established at Manwyne.

III. The junction shall be effected as soon as possible, and at latest on the 31st May, 1895, unless prevented by accident or by *force majeure*, and in that case as soon as possible thereafter.

IV. The Indian and the Chinese Telegraph Administrations shall establish, work, and maintain in good condition the line of connection, and shall exchange the correspondence by wire between the two stations named in Article II.

Each of the Contracting Parties shall bear the expense incurred for these purposes on its own territory, and will take care that the boundaries between the territories of the two Governments are scrupulously respected.

V. The rules for the extra-European system laid down in the Service Regulations of the International Telegraph Convention shall be observed with regard to the technical treatment of telegrams transmitted over the line of connection described in Article II.

But in reckoning the number of words in telegrams between China or Hong Kong on the one side, and Burmah, India, or Ceylon on the other side, the rules of the European system laid down in the Service Regulations of the International Telegraph Convention shall be observed.

When the senders of telegrams do not expressly indicate the route by which they wish their telegrams to be forwarded, it is understood that at lower rates all correspondence, and at equal rates half the correspondence, shall be forwarded *viâ* the line of connection described in Article II, provided that the alternative routes are in equally good working order.

VI. Each of the Contracting Parties fixes the charges for transmission of telegrams by its lines up to the frontier of its own territory.

It is, however, agreed that before January 1897 the charges declared in Article VII of this Convention cannot be raised, though each of the Contracting Parties reserves its right to reduce its own charges during that period, if it think fit.

VII. In accordance with the stipulations of the preceding Article, the following charges per word are declared for correspondence exchanged *viâ* the line of connection described in Article II:—

1. *Charges levied by the Indian Telegraph Administration.*

(A.)—TERMINAL CHARGES.

	Fr.
1. From stations in Burmah to the Chinese frontier ..	0·575
2. „ India „ „ ..	0·825
3. „ Ceylon „ „ ..	0·940

(B.)—TRANSIT CHARGES.

Between the Chinese frontier, *viâ* Bhamo, and—

1. The Siamese frontier, <i>viâ</i> Moulmein	0·350
2. All other frontiers	1·500

2. *Charges levied by the Chinese Telegraph Administration.*

(A.)—TERMINAL CHARGES.

	Fr.
1. For correspondence exchanged by the Burmese-Yünnan line between Burmah, India, and Ceylon on the one side, and on the other side—	
(a.) Stations in Yünnan	0·750
(b.) All other stations situated on the Yang-tzû or to the south of the Yang-tzû	1·250
(c.) All stations situated to the north of the Yang-tzû, except those in Corea	2·250
(d.) Chinese stations in Corea	2·500
2. For correspondence exchanged by the Burmese-Yünnan line between China or Hong Kong on the one side, and Europe, or countries beyond Europe, on the other side	5·500
3. For correspondence exchanged by the Burmese-Yünnan line between other countries and—	
(a.) Stations in Yünnan	1·000
(b.) All other stations situated on the Yang-tzû or to the south of the Yang-tzû	1·500
(c.) All stations situated to the north of the Yang-tzû, except those in Corea	2·250
(d.) Chinese stations in Corea	2·500

(B.)—TRANSIT CHARGES.

Fr.

1. Between the Burmese frontier, viâ Tingyueh (Momein), and all other frontiers, on correspondence exchanged between Europe and countries beyond Europe on the one side, and all other countries on the other side 5·500
2. On all other correspondence between the Burmese frontier, viâ Tingyueh (Momein), and—
 - (a.) The Cable Companies at Hong Kong, Amoy, Foochow, and Shanghai 1·250
 - (b.) All other frontiers 2·500

The charges established for the correspondence between China on the one side, and Burmah, India, and Ceylon on the other side, are solely for correspondence actually exchanged between the named neighbouring countries, and the Chinese European correspondence cannot be retelegraphed at these rates by private agencies or persons at intermediate stations.

VIII. The checking of the amount of correspondence exchanged viâ the line of junction shall take place daily by wire between the stations named in Article II.

The settlement of accounts shall take place at the end of each month, and the resulting balance shall be paid within one month after the end of the month, in account to the Indian Telegraph Administration at Calcutta, or to the Chinese Telegraph Administration at Shanghai.

The month shall be reckoned according to the European calendar.

Telegrams referring to the settlement of accounts shall be considered as Service telegrams, and transmitted free of charge.

IX. The rate of exchange for the collection of the charges declared in Article VII, and for settlement of accounts, shall be:—

One franc reckoned as 0·60 of a rupee, and as 0·26 of a Mexican dollar.

As regards outpayments to Telegraph Administrations beyond China and India, the Chinese and Indian Telegraph Administrations will communicate to each other their amount, and this amount the two Administrations will be at liberty to collect and settle, at such rates as may protect them from loss.

X. The present Convention shall come into force on the date of its signature, and shall remain in force for ten years, and shall thereafter continue in force until six months after one of the Contracting Parties shall have given notice of its intention to modify or to abrogate it.

In witness whereof the Undersigned, duly authorized to this effect, have signed the present Convention.

Done at Tien-tsin in four expeditions, of which two in the English language, and two in the Chinese language, the 6th day of September, 1894, corresponding with the 7th day of the 8th moon of the 20th year of the reign of Kwang-Hsu.

(L.S.) N. R. O'CONOR, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Peking.*

(L.S.) EARL LI, *Imperial Commissioner, First Grand Secretary of State, Viceroy of the Province of Chi-li.*

*AGREEMENT between Her Majesty's Government and the British South Africa Company, respecting British Central Africa, supplementary to the Agreement of February 1891.**
—November 24, 1894.

THE South Africa Company having intimated that it is prepared to undertake the direct administration of the portion of the British sphere north of the Zambezi over which its Charter was extended in 1891, the arrangement under which the administration was confided to Her Majesty's Commissioner and Consul-General, in consultation with the Company, till the 1st January, 1896, or such earlier date as the Secretary of State might direct, will terminate from the date of the assumption by the Company of direct administration, which shall not be later than the 30th June, 1895.

Administrative posts which have been placed by the Commissioner in the Chartered territory will be transferred, and will thenceforth be under the direct control of the Company. The expenditure of the Commissioner on their account will cease from the date of transfer.

2. The Company will, in accordance with the existing arrangement, pay into the hands of the Commissioner the annual contribution to the expense of police of 10,000*l.* up to the 1st January, 1896.

It will during the year 1895 pay 1,000*l.* in liquidation of the obligation, which it undertook in 1891, to afford to the Commissioner the use, free of charge, for administrative purposes, of the steamers on the lake belonging to the African Lakes Company.

3. The outstanding accounts between the Company and the Protectorate will be regulated by the accountants of the Foreign Office with those of the Company, on the basis that the Company

* Vol. LXXXIII, page 925.

is liable only for the annual police contribution of 10,000*l.*, for 5,000*l.* given in 1891 for expenses connected with raising and organizing the police force, for expenditure in connection with steam transport on the lake for administrative purposes, and for amounts which can be shown to have been expended for the benefit of, or on account of, the Chartered territory as distinct from the Protectorate.

4. It having been explained that Mr. Rhodes voluntarily authorized Her Majesty's Commissioner to spend on his behalf a maximum sum of 10,000*l.* for the operations against Makanjira, it is agreed that the sum actually expended on that account shall be ascertained by the above-mentioned accountants, and that the balance, if any, of the total amount of 10,000*l.*, if the whole amount shall be shown to have been drawn by the Commissioner, shall be repaid to Mr. Rhodes.

5. The Treaties made on behalf of the Company in the Chartered territory will be sanctioned, on the condition that no provisions in them will be confirmed which may conflict with the prohibition against monopolies contained in the Charter,* and with the stipulations of the Act of Berlin† in so far as they are applicable to the Chartered territory.

It is understood that this sanction is without prejudice to certain claims based on Concessions said to have been obtained by M. Wiese, should the validity of such Concessions be hereafter established.

6. The mining rights in the territory described as Marimba in the Commissioner's published map, purchased by the Company from the African Lakes Company, will be confirmed, subject to the terms accepted by the agent of the latter Company.

In the territory described in the above-mentioned map as Central Angoniland, the mining rights claimed by the Company will be confirmed, subject to the terms accepted by the agent of the African Lakes Company.

These confirmations will not include sanction of administrative powers, monopolies, nor the right to prevent the acquirement of land by settlers.

7. The claim of the Company to land and minerals acquired from the African Lakes Company by purchase in the territory described in the Commissioner's map as North Nyasa will be examined when the titles obtained by the latter Company from the native Chiefs are produced for investigation.

8. It being necessary that the frontier between Lakes Nyasa and Tanganyika should be watched in order to prevent aggression by the natives on German territory, and the introduction of arms and

* October 29, 1889. Vol. LXXXI, page 617.

† February 26, 1885. Vol. LXXVI, page 4.

ammunition in contravention of the prohibition which has been imposed, the Company agrees to take the requisite steps for guarding that frontier.

9. Customs arrangements between the Protectorate and the Chartered territory which experience may make it desirable to adopt for the purposes of the execution of the Berlin and Brussels* Acts, or for fiscal reasons, will be subject to the approval of the Secretary of State.

The Company undertakes to provide Customs posts, and to make suitable arrangements for insuring the proper observance, and preventing abuse, of the stipulations as to free transit in favour of countries adopting the free zone system of the Act of Berlin.

November 24, 1894.

H. PERCY ANDERSON.

(For the British South Africa Company),

C. J. RHODES.

CONVENTION between Great Britain and the South African Republic, relative to the Affairs of Swaziland.—Signed December 10, 1894.

WHEREAS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Honour the State President of the South African Republic, as representing the Government of the said Republic, have agreed that it is expedient that they should enter into a Convention relative to the affairs of Swaziland in substitution of the Conventions of 1890† and 1893 :‡

Now, therefore, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Honour the State President of the South African Republic as representing the Government of the said Republic, hereby consent and agree that the following Articles, accepted finally by and between Her Majesty and his Honour, shall, when duly signed, sealed, and executed by Her Majesty's High Commissioner for South Africa on behalf of Her Majesty, and by his Honour the State President of the South African Republic on behalf of the Government of the said Republic, and when duly ratified by the Volksraad of the South African Republic, constitute and be a Convention by and between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic:—

ART. I. The provisions of the Convention of 1890 shall be con-

* July 2, 1890. Vol. LXXXII, page 55.

† Vol. LXXXII, page 1062.

‡ Vol. LXXXV, page 680.

tinued in full force and effect from and after the date of the signing of this Convention by his Excellency Sir Henry Brougham Loch, Her Majesty's High Commissioner, on behalf of Her Majesty, and his Honour Stephanus Johannes Paulus Krüger, State President of the South African Republic, on behalf of the Government of the South African Republic, until the date of the ratification of this Convention by the Volksraad of the South African Republic; provided that should this Convention not be ratified before or during the next ordinary Session of the said Volksraad, the provisions of the Convention of 1890, saving the provisions of Articles X and XXIV thereof, which shall remain in full force and effect, may at any time thereafter be terminated by one month's notice, given either by Her Majesty's Government or by the Government of the South African Republic, and thereupon at the expiration of the said month, in accordance with the Convention of 1884,* all the provisions relative thereto in the said Convention shall be of full force and effect; and provided further that if at any time before the ratification in manner aforesaid, the assent of the Swazie Queen-Regent and Council to the draft Organic Proclamation already agreed to by Her Majesty's Government and the Government of the South African Republic be duly signified, the Convention of November 1893 shall, upon the signification of such assent, be and remain of full force and effect, subject to the terms of the said Organic Proclamation, and this Convention shall not thereafter be ratified but shall be of no force and effect, and the provisions of the Convention of 1890 shall no longer be of any force or effect, saving the provisions of Articles X and XXIV thereof, which shall remain of full force and effect.

II. Without the incorporation of Swazieland into the South African Republic, the Government of the South African Republic shall have and be secured in all rights and powers of protection, legislation, jurisdiction, and administration over Swazieland and the inhabitants thereof, subject to the following conditions and provisions, namely:—

1. That the young King Ungwane *alias* Uhili *alias* Ubunu, after he has become of age, according to native law, shall be and remain the Paramount Chief of the Swazies in Swazieland, with the usual powers of such Paramount Chief, in so far as the same are not inconsistent with civilized laws and customs.

2. That the payments by the Government of the South African Republic of moneys derived from the collection of the private revenue of the King shall be regularly made in terms of concession or power of attorney, granted in that behalf by Umbandine, and confirmed by the Judgment of the Chief Court.

* Vol. LXXV, page 5.

3. That the management of the internal affairs of the natives shall be in accordance with their own laws and customs, including the laws and customs of inheritance and succession, and that the native laws and customs shall be administered by the native Chiefs entitled to administer the same in such manner as they are in accordance with the native law and custom at present administering, in so far as the said laws and customs are not inconsistent with civilized laws and customs, or with any law in force in Swaziland made pursuant to this Convention, and the natives are guaranteed in their continued use and occupation of land now in their possession, and of all grazing or agricultural rights to which they are at present entitled; provided that no law made hereafter in Swaziland shall be in conflict with the guarantees given to the Swazies in this Convention.

4. That in the administration and government of the country by the Government of the South African Republic, no hut tax or other tax shall be imposed upon the natives higher than the corresponding tax to which such of the Swazie people as are living within the borders of the Republic may be subject. In no case, however, shall such taxes be able to be imposed until after the expiration of three years from the date of the ratification of this Convention.

III. The Government of the South African Republic agrees to appoint an officer who shall administer Swaziland in terms of this Convention.

IV. The Government of the South African Republic agrees that the Chief Court heretofore established shall continue to exercise and possess all the powers and jurisdiction hitherto exercised or possessed by it; the said Court shall also have such powers and jurisdiction as may be conferred upon it, in accordance with Article II of this Convention, subject to the conditions of the said Article, with full power to decree against all persons execution of every order, judgment, decree, or sentence made by it in the exercise of its jurisdiction.

V. The Laws, Ordinances, Proclamations, and Regulations at present in force in Swaziland shall continue to be of full force and effect therein until altered, amended, or repealed in accordance with the terms of this Convention; and the power and jurisdiction heretofore exercised or possessed by Landdrost Courts and Justices of the Peace shall continue to be exercised and possessed by such Courts and such Justices of the Peace respectively, unless and until other provision be made in accordance with the terms of this Convention.

VI. All Government officers appointed under and by virtue of the Convention of 1890 shall continue to hold and administer the offices to which they have been appointed, and shall be secured in the emoluments and fees of office at present enjoyed by them, until

the date of the ratification of this Convention, or until other provision be made in that behalf by Her Majesty's Government or the Government of the South African Republic, and thereupon all such appointments shall cease and determine; provided that on or after the date of ratification aforesaid the said officials or any of them may be reappointed to the said offices or any of them, in accordance with the terms of this Convention.

VII. All British subjects residing in Swaziland, or having in Swaziland any property, grant, privilege, or concession, or any right, title to, or interest in, any property, grant, privilege, or concession, shall be secured in the future enjoyment of all their rights and privileges of whatsoever nature or kind in like manner as burghers of the South African Republic, but shall obey the Government and conform to the laws established for Swaziland.

VIII. Every white male who shall have been a *bonâ fide* resident in Swaziland (even if temporarily absent from Swaziland) on the 20th April, 1893, shall become and be entitled to all the political privileges of a full burgher of the South African Republic as though he had been born in that Republic: provided, however—

(a.) That every white male shall make application in writing to an officer to be appointed at Bremersdorp, in Swaziland, by the Government of the said Republic, to have his name enrolled upon a list of persons so entitled, and upon satisfactory proof by a true and solemn declaration of his *bonâ fide* residence in Swaziland on the aforesaid day, such declaration to be made within six months from the date of public notification of the appointment of such officer as aforesaid, such officer shall be bound to enrol his name on such list, and such list shall be the list of burghers of the South African Republic so admitted under this head of this Article to the privileges aforesaid.

(b.) That every white son of any person admitted to the privileges of a burgher under the preceding paragraph of this Article, which son shall have been a minor on the aforesaid date, shall be entitled to the like political privileges which he would have had if his father had been a natural-born burgher of that Republic and he himself had been born therein, provided that the right under this section shall be claimed by such minor from the Government of the South African Republic by notice in writing within twelve months from his attaining his majority.

(c.) That every person admitted as a burgher shall, while resident in Swaziland, be entitled to register his vote at any election when and where a burgher resident in some convenient district of the South African Republic adjoining Swaziland would be entitled to vote, such district to be determined by the Government of the South African Republic, and if thereafter he shall come to reside in

any district of the South African Republic such person shall there be entitled to register his vote.

IX. The equal rights of the Dutch and English languages in all Courts of Swaziland shall be maintained. This provision shall be in force so long as the administration of Swaziland by the Government of the South African Republic continues under the provisions of this Convention.

X. The customs duties shall not be higher in respect of any article imported into Swaziland than the duty thereon according to the Tariff at present in force in the South African Republic, or the Tariff at present in force in the South African Customs Union, whichever is now the higher. This provision shall be in force so long as the administration of Swaziland by the Government of the South African Republic continues under the provision of this Convention. Every exclusive right or privilege of or belonging to any individual or individuals, corporation or company, with regard to imposition of or exemption from customs duties on goods, shall be liable to expropriation by the administering authority; provided that no such individual or individuals, corporation or company, shall be deprived of or interfered with in the enjoyment of any such exclusive rights or privileges as have been confirmed by the Chief Court prior to the 8th November, 1893, without due compensation being awarded. The amount of such compensation shall be assessed by means of arbitration in case of difference. Each party interested shall appoint an Arbitrator, and the said Arbitrators shall, before proceeding with the arbitration, appoint an Umpire; should the said Arbitrators be unable to agree upon an Umpire such Umpire shall, upon application of either party, after notice to the other, be appointed by the Chief Court; the decision of the majority of the persons so appointed shall, in case of difference, be final.

XI. The Government of the South African Republic agrees to prohibit the sale or supply of intoxicating liquor to Swazie natives in Swaziland.

XII. No railway beyond the eastern boundary of Swaziland shall be constructed by the Government of the South African Republic save under the provisions of a further contemplated Convention between Her Majesty the Queen and the South African Republic, or with the consent of Her Majesty's Government.

XIII. Articles X and XXIV of the Convention of 1890 are here again set forth for convenience of reference:—

“Article X. The Government of the South African Republic withdraws all claim to extend the territory of the Republic, or to enter into Treaties with any natives or native tribes to the north or north-west of the existing boundary of the Republic, and undertakes to aid and support by its favouring influence the establishment

of order and government in those territories by the British South Africa Company within the limits of power and territory set forth in the Charter granted by Her Majesty to the said Company."

"Article XXIV. Her Majesty's Government consent to an alteration of the boundary of the South African Republic on the east so as to include the territory known as the Little Free State within the territory of the South African Republic."

XIV. Her Majesty's Government reserves the power of exercising diplomatic representation in favour of Swazie natives or British subjects in case any provision of this Convention shall not be fairly and faithfully observed.

XV. Her Majesty's Government reserves the right to appoint a British Consular officer to reside in Swazieland.

Signed and sealed on the Border of Natal and the South African Republic, near Charlestown and Volksrust, this 10th day of December, 1894.

(L.S.) HENRY B. LOCH, *High Commissioner*.

Signed and sealed on the Border of Natal and the South African Republic, near Charlestown and Volksrust, this 10th day of December, 1894.

(L.S.) S. J. P. KRÜGER, *State President of the South African Republic*.

DR. W. J. LEYDS, *Staats Secretaris, Z.A.R.*

TREATY between Great Britain and the Chiefs of Benin River and Jekeri Country. —Benin, August 2, 1894.

ART. I. Her Majesty the Queen of Great Britain and Ireland, Empress of India, in compliance with the request of the Chiefs and people of Benin River and Jekeri country, hereby undertakes to extend to them, and to the territory under their authority and jurisdiction, her gracious favour and protection.

II. The Chiefs of Benin River and Jekeri country agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

III. It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of Benin River and Jekeri country is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose.

The same jurisdiction is likewise reserved to Her Majesty in the said territory of Benin River and Jekeri country over foreign subjects enjoying British protection, who shall be deemed to be included in the expression "British subject" throughout this Treaty.

IV. All disputes between the Chiefs of Benin River and Jekeri country, or between them and British or foreign traders, or between the aforesaid Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consular or other officers appointed by Her Britannic Majesty to exercise jurisdiction in Benin River and Jekeri country territories for arbitration and decision, or for arrangement.

V. The Chiefs of Benin River and Jekeri country hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and, further, to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interest of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.

VI. The subjects and citizens of all countries may freely carry on trade in every part of the territories of the Chiefs parties hereto, and may have houses and factories therein.

VII. All ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid Chiefs, who hereby guarantee to them full protection.

All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid Chiefs, and no hindrance shall be offered thereto.

VIII. If any vessel should be wrecked within the Benin River and Jekeri territories, the Chiefs will give them all the assistance in their power, will secure them from plunder, and also recover and deliver to the owners or agents all the property which can be saved.

If there are no such owners or agents on the spot, then the said property shall be delivered to the British Consular or other officer.

The Chiefs further engage to do all in their power to protect the persons and property of the officers, crew, and others on board such wrecked vessels.

All claims for salvage dues in such cases shall, if disputed, be referred to the British Consular or other officer for arbitration and decision.

IX. This Treaty shall come into operation, so far as may be practicable, from the date of its signature.

X. This Treaty is regarded merely as a ratification of existing Treaties between the parties thereto, and it is understood that if

reasonable and consistent effort be shown by the Signatory Chiefs to adhere to and carry out the terms of it, there will be immunity from punishment for any and all offences which may have been committed against the laws and orders of the Government prior to the signing of it, but all disputes and troubles existing between natives must be determined by native custom.

Done at Benin Vice-Consulate this 2nd day of August, 1894.

(For Niger Coast Protectorate),

R. MOOR, *Acting Consul-General*.

Their	Chief DUDU.
×	NAFORMI.
×	BRIGBY.
×	FRAGONI.
×	AWALLA.
×	DORE.
×	GOLLIE.
×	ENYE.
×	EGBIBY.
×	OAGBIE.
×	ABBEDO.
×	ABEKKA.
×	OPOROKUN.
×	OKOROFIEGBE.
×	OKOROGBODIE.
×	OKOROTIE.
×	MACHOLA.
×	GWATIE.
×	ATUMU.
×	TEBU.
×	PEMU.
×	EGGEH.
×	TINCHALA.
×	AYARA.
marks.	HARRISON.

I hereby certify that I have fully interpreted and explained the above Treaty to the Chiefs in question, and they understand its meaning.

HERBERT CLARKE, *Interpreter*.

Witnesses to Signatories :

Captain Sir **ALFRED JEPHSON**, *R.N.*

Lieutenant-Commander **J. S. HEUGH**,

Her Majesty's Ship Alecto.

PARCEL-POST CONVENTION between the United States of America and Newfoundland.—Signed at Washington, January 8, 1894; and at St. John's, January 25, 1894.

FOR the purpose of making better Postal Arrangements between the United States of America and Newfoundland, the Undersigned, Wilson S. Bissell, Postmaster-General of the United States of America, and James O. Fraser, Postmaster-General of Newfoundland, by virtue of authority vested in them, have agreed upon the following Articles for the establishment of a parcel-post system of exchanges between the United States and Newfoundland:—

ART. I. The provisions of this Convention relate only to parcels of mail matter to be exchanged by the system herein provided for, and do not affect the arrangements now existing under the Universal Postal Union Convention, which will continue as heretofore; and all the agreements hereinafter contained apply exclusively to mails exchanged under these Articles.

II.—1. There shall be admitted to the mails exchanged under this Convention articles of merchandize and mail matter—except letters, post-cards, and written matter—of all kinds, that are admitted under any conditions to the domestic mails of the country of origin, except that no packet may exceed 11 lb. (or 5 kilog.) in weight, nor the following dimensions: Greatest length in any direction, 3 ft. 6 in.; greatest length and girth combined, 6 feet; and must be so wrapped or inclosed as to permit their contents to be easily examined by Postmasters and Customs officers; and except that the following articles are prohibited admission to the mails exchanged under this Convention:

Publications which violate the Copyright Laws of the country of destination; poisons, and explosive or inflammable substances; fatty substances, liquids, and those which easily liquefy, confections and pastes; live or dead animals, except dead insects and reptiles when thoroughly dried; fruits and vegetables, and substances which exhale a bad odour; lottery tickets, lottery advertisements, or lottery circulars; all obscene or immoral articles; articles which may in any way damage or destroy the mails or injure the persons handling them.

2. All admissible articles of merchandize mailed in one country for the other, or received in one country from the other, shall be free from any detention or inspection whatever, except such as is required for collection of customs duties, and shall be forwarded by the most speedy means to their destination, being subject in

their transmission to the laws and regulations of each country, respectively.

III.—1. A letter or communication of the nature of personal correspondence must not accompany, be written on, or inclosed with any parcel.

2. If such be found, the letter will be placed in the mails if separable, and if the communication be inseparably attached, the whole package will be rejected. If, however, any such should inadvertently be forwarded, the country of destination will collect double rates of postage according to the Universal Postal Convention.

3. No parcel may contain packages intended for delivery at an address other than that borne by the parcel itself. If such inclosed packages be detected, they must be sent forward singly, charged with new and distinct parcel-post rates.

IV.—1. The following rates of postage shall in all cases be required to be *fully prepaid* with postage stamps of the country of origin, viz.:

2. For a parcel not exceeding 1 lb. in weight, 12 cents; and for each additional pound, or fraction of a pound, 12 cents.

3. The parcels shall be promptly delivered to addressees at the Post Offices of address in the country of destination free of charge for postage; but the country of destination may, at its option, levy and collect from the addressee for interior service and delivery a charge the amount of which is to be fixed according to its own regulations, but which shall in no case exceed 5 cents for each parcel, whatever its weight.

V.—1. The sender will, at the time of mailing the package, receive a certificate of mailing from the Post Office where the package is mailed on a form like Form 1 annexed hereto.

2. The sender of a package may have the same registered in accordance with the regulations of the country of origin.

3. An acknowledgment of the delivery of a registered article shall be returned to the sender when requested; but either country may require of the sender prepayment of a fee therefor not exceeding 5 cents.

4. The addressees of registered articles shall be advised of the arrival of a package addressed to them, by a notice from the Post Office of destination.

VI.—1. The sender of each parcel shall make a customs declaration, pasted upon or attached to the package, upon a special form provided for the purpose (see Form 2 annexed hereto) giving a general description of the parcel, an accurate statement of its contents and value, date of mailing, and the sender's signature and place of residence, and place of address.

2. The parcels in question shall be subject in the country of destination to all customs duties and all customs regulations in force in that country for the protection of its customs revenues, and the customs duties properly chargeable thereon shall be collected on delivery, in accordance with the customs regulations of the country of destination; but neither sender nor addressee shall be subject to the payment of any charge for fines or penalties on account of failure to comply with any customs regulation.

VII. Each country shall retain to its own use the whole of the postages, registration, and delivery fees it collects on said parcels; consequently, this Convention will give rise to no separate accounts between the two countries.

VIII.—1. The parcels shall be considered as a component part of the mails exchanged *direct* between the United States and Newfoundland to be dispatched to destination by the country of origin at its cost and by such means as it provides; but must be forwarded, at the option of the dispatching office, either in boxes prepared expressly for the purpose or in ordinary mail sacks, marked "Parcels Post," and securely sealed with wax or otherwise, as may be mutually provided by regulations hereunder.

2. Each country shall promptly return *empty* to the dispatching office by next mail all such bags and boxes.

3. Although articles admitted under this Convention will be transmitted as aforesaid between the Exchange Offices, they should be so carefully packed as to be safely transmitted in the open mails of either country, both in going to the Exchange Office in the country of origin and to the office of address in the country of destination.

4. Each dispatch of a parcel-post mail must be accompanied by a descriptive list, in duplicate, of all the parcels sent, showing distinctly the list number of each parcel, the name of the sender, the name of the addressee with address of destination, and the declared contents and value; and must be inclosed in one of the boxes or sacks of such dispatch (see Form 3 annexed hereto).

IX. Exchanges of mails under this Convention from any place in either country to any place in the other shall be effected through the Post Offices of both countries already designated as Exchange Post Offices, or through such others as may be hereafter agreed upon, under such regulations relative to the details of the exchange as may be mutually determined to be essential to the security and expedition of the mails and the protection of the customs revenues.

X.—1. As soon as the mail shall have reached the Office of destination, that Office shall check the contents of the mail.

2. In the event of the parcel bill not having been received, a substitute should be at once prepared.

3. Any errors in the entries on the parcel bill which may be discovered should, after verification by a second officer, be corrected and noted for report to the dispatching Office on a form "Verification Certificate," which should be sent in a special envelope.

4. If a parcel advised on the bill be not received, after the non-receipt has been verified by a second officer the entry on the bill should be cancelled and the fact reported at once.

5. If a parcel be observed to be insufficiently prepaid, it must not be taxed with deficient postage, but the circumstance must be reported on the verification certificate form.

6. Should a parcel be received in a damaged or imperfect condition, full particulars should be reported on the same form.

7. If no verification certificate or note of error be received, a parcel mail shall be considered as duly delivered, having been found on examination correct in all respects.

XI.—1. If a parcel cannot be delivered as addressed, or is refused, it must be returned without charge directly to the dispatching Office of Exchange, at the expiration of thirty days from its receipt at the Office of destination; and the country of origin may collect from the sender for the return of the parcel a sum equal to the postage when first mailed.

2. When the contents of a parcel which cannot be delivered are liable to deterioration or corruption, they may be destroyed at once if necessary, or, if expedient, sold, without previous notice or judicial formality, for the benefit of the right person, the particulars of each sale being noticed by one Post Office to the other.

3. An order for redirection or reforwarding must be accompanied by the amount due for postage necessary for the return of the article to the Office of origin at the ordinary parcel rates.

XII. The Post Office Department of either of the contracting countries will not be responsible for the loss or damage of any parcel, and consequently no indemnity can be claimed by the sender or addressee in either country.

XIII. The Postmaster-General of the United States of America and the Postmaster-General of Newfoundland shall have authority to jointly make such further regulations of order and detail as may be found necessary to carry out the present Convention from time to time; and may, by agreement, prescribe conditions for the admission to the mails of any of the articles prohibited by Article II of this Convention.

XIV. This Convention shall take effect and operations thereunder shall begin on the 1st day of April, 1894; and shall continue in force until terminated by mutual agreement, but may be annulled at the desire of either Department, upon six months' previous notice given to the other.

Done in duplicate, and signed at Washington, the 8th day of January, 1894; and at St. John's, the 25th day of January, 1894.

(L.S.) WILSON S. BISSELL, *Postmaster-General of the United States of America.*

(L.S.) JAS. OLIPHANT FRASER, *Postmaster-General of Newfoundland.*

PROTOCOL recording the Deposit of the Ratifications of the International Sanitary Convention signed at Dresden, April 15, 1893.—Berlin, February 1, 1894.*

(Translation.)

It having been found necessary to prolong the limit of time for the deposit of the ratifications assigned in Article IV of the Sanitary Convention of the 15th April, 1893, the Undersigned, that is to say, his Excellency Baron Marschall de Bieberstein, Secretary of State at the German Department for Foreign Affairs; his Excellency M. de Szögyény-Marich, Ambassador of Austria-Hungary; Baron Greindl, Minister of Belgium; his Excellency M. Herbet, Ambassador of France; his Excellency Sir Edward Malet, Ambassador of Great Britain and Ireland; his Excellency Count Lanza, Ambassador of Italy; Count de Villers, Chargé d'Affaires of Luxemburg; his Excellency Count Schouvaloff, Ambassador of Russia; Colonel Dr. Roth, Minister of the Swiss Confederation, have assembled to-day at the Department for Foreign Affairs at Berlin, in order to carry out the necessary formalities with reference to the deposit of the ratifications of the aforesaid Convention, and of the Protocol of the 14th July, 1893,† respecting the adhesion of the United Kingdom of Great Britain and Ireland.

The ratifications of the Emperor of Germany, King of Prussia; of His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; of His Majesty the King of the Belgians; of the President of the French Republic; of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; of His Majesty the King of Italy; of His Royal Highness the Grand Duke of Luxemburg; of His Majesty the Emperor of All the Russias; and of the Swiss Federal Council, have been presented and found in due and proper form.

It has been recorded that Montenegro has decided to abstain from ratifying the Convention.

The Netherland Government being unable to ratify it until later, the Undersigned request the German Imperial Government to

* Vol. LXXXV, page 7.

† Vol. LXXXV, page 18.

receive the ratification of the Netherlands and to notify it by a Circular letter to the countries interested.*

It is understood that the limit of five years fixed by Article IV for the duration of the Convention shall date from the signature of the present *procès-verbal*.

In faith whereof the Undersigned have drawn up the present *procès-verbal*, of which the original copy shall remain in the archives of the Berlin Foreign Office, whence a certified copy shall be delivered to each of the High Contracting Parties.

Done at Berlin, the 1st day of February, 1894.

BARON DE MARSCHALL.

SZÖGYÉNY.

GREINDL.

JULES HERBETTE.

EDWARD B. MALET.

C. LANZA.

H. DE VILLERS.

COMTE PAUL SCHOUVALOFF.

ROTH.

PROCÈS-VERBAL recording the Deposit of the Ratifications of the Convention of November 16, 1887,† and the Protocol of February 14, 1893,† respecting the Liquor Traffic in the North Sea.—The Hague, April 11, 1894.

(Translation.)

THE Undersigned, Plenipotentiaries of Great Britain, Belgium, Denmark, Germany, and the Netherlands, the States which have ratified the Convention and the Protocol mentioned below, have assembled to-day at the Ministry for Foreign Affairs at the Hague :—

1. For the purpose of proceeding to deposit the ratifications of the Convention which was concluded at the Hague on the 16th day of November, 1887, in order to remedy the abuse arising from the traffic in spirits among the fishermen in the North Sea outside territorial waters, as well as of the Protocol which was signed at the Hague on the 14th February, 1893, relating to the said Convention ;

2. For determining, in execution of the last paragraph of Article III of the above-mentioned Convention, the distinctive and

* The Netherland ratification was deposited at Berlin, April 24, 1894.

† Vol. LXXIX, page 894.

uniform mark to be carried by the ships which are provided with a licence giving them the right to deal with the fishermen in provisions and other articles for their use, with the exception of spirituous liquors ;

8. And finally, for the purpose of proceeding, in conformity with Article IX of the above-cited Convention, to the reciprocal exchange of copies of the Laws which have been made in the above-mentioned States relative to the object of this Convention.

The ratifications of the said five States, after having been produced and found to be in good and due form, have been delivered to the Minister for Foreign Affairs of the Queen of the Netherlands, in order that they may be placed in the archives of the Netherland Government.

Next, the Undersigned have agreed that the distinctive and uniform mark of the licence provided for by Article III of the Convention shall consist of a flag, which must always be hoisted at the top of the main-mast of the ship. This flag shall be white, with the letter S printed in black in the centre ; the dimensions of the said flag are 2 metres square, and those of the letter S 1 metre in height, and 2 decimetres in thickness.

Lastly, the exchange of copies of the above-mentioned Laws has taken place.

In witness whereof the Plenipotentiaries have signed the present *procès-verbal*, and have thereto affixed their seals.

Done at the Hague, the 11th April, 1894, in a single transcript, certified copies of which shall be transmitted to each of the Signatory States.

(L.S.) HORACE RUMBOLD.

(L.S.) BARON D'ANETHAN.

(L.S.) C. M. VIRULY.

(L.S.) v. REICHENAU.

(L.S.) J. C. JANSEN.

ACT of the British Parliament, to provide for carrying into effect the Award of the Tribunal of Arbitration constituted under a Treaty between Her Majesty the Queen and the United States of America (Behring Sea Award Act).

[57 Vict., c. 2.]

[April 23, 1894.]

WHEREAS by a Treaty between Her Majesty the Queen and the Government of the United States of America various questions which had arisen respecting the taking and preservation of the

fur-seal in the North Pacific were referred to Arbitrators as mentioned in the Treaty;

And whereas the award of such Arbitrators (in this Act referred to as the Behring Sea Arbitration Award), dated the 15th day of August, 1893, contained the provisions set out in the First Schedule to this Act; and it is expedient to provide for carrying the same into effect:

Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1.) The provisions of the Behring Sea Arbitration Award set out in the First Schedule to this Act shall have effect as if those provisions (in this Act referred to as the scheduled provisions) were enacted by this Act, and the acts directed by Articles 1 and 2 thereof to be forbidden were expressly forbidden by this Act.

(2.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of "The Merchant Shipping Act, 1854," and the ship employed in such contravention and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section 103 of the said Act; Provided that the Court, without prejudice to any other power, may release the ship, equipment, or thing, on payment of a fine not exceeding 500*l*.

(3.) The provisions of "The Merchant Shipping Act, 1854," with respect to official logs (including the penal provisions) shall apply to every vessel engaged in fur-seal fishing.

(4.) Every person who forges or fraudulently alters any licence or other document issued for the purpose of Article 4 or of Article 7 in the First Schedule to this Act, or who procures any such licence or document to be forged or fraudulently altered, or who knowing any such licence or document to be forged or fraudulently altered uses the same, or who aids in forging or fraudulently altering any such licence or document, shall be guilty of a misdemeanour within the meaning of "The Merchant Shipping Act, 1854."

(5.) Subject to this Act, the provisions of sections 103 and 104 and Part X of "The Merchant Shipping Act, 1854," and of section 34 of "The Merchant Shipping Act, 1876," which are set out in the Second Schedule to this Act, shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act; and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

2.—(1.) Where an officer seizes, under this Act, a ship's certifi-

cate of registry, he shall either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case shall direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British Court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding 100*l*.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of Customs in Her Majesty's dominions or British Consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3.—(1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for carrying into effect the scheduled provisions and this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the "London Gazette," and shall have effect as if enacted in this Act.

(2.) If there is any contravention of any Regulation made by any such Order, any person committing, procuring, aiding, or abetting such contravention shall be liable to a penalty not exceeding 100*l*.

(3.) An Order in Council under this Act may provide that such officers of the United States of America as are specified in the Order may, in respect of offences under this Act, exercise the like powers under this Act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in Council to be exercisable under the law of the United States of America against ships of the United States; and that such British officers as are specified in the Order may exercise the powers conferred by this Act, with any necessary modifications specified in the Order, in relation to a ship of the United States of America, and the equipment and certificate thereof.

4.—(1.) Where any offence under this Act has been committed by some person belonging to a ship, or by means of a ship, or the equipment of a ship, the master of the ship shall be deemed guilty of such offence, and the ship and her equipment shall be liable to forfeiture under this Act.

(2.) Provided that if it is proved that the master issued proper orders for the observance, and used due diligence to enforce the observance of this Act and the Regulations in force thereunder, and that the offence in question was actually committed by some other

person without his connivance, and that the actual offender has been convicted, or that he has taken all proper means in his power to prosecute such offender, if alive, to conviction, the master of the ship shall not be liable to any penalty or forfeiture other than such sum as will prevent any profit accruing by reason of the offence to the master or crew or owner of the ship.

5. The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

6. This Act may be cited as "The Behring Sea Award Act, 1894."

7.—(1.) This Act shall come into operation on the 1st day of May, 1894, provided that Her Majesty in Council, if at any time it appears expedient so to do, having regard to the circumstances which have then arisen in relation to the scheduled provisions or to the enforcement thereof, may suspend the operation of this Act or any part thereof during the period mentioned in the Order, and the same shall be suspended accordingly.

(2.) Where on any proceeding in any Court against a person or ship in respect of any offence under this Act it is proved that the ship sailed from its port of departure before the provisions of the award mentioned in the First Schedule to this Act were known there, and that such person or the master of the ship did not, after such sailing and before the alleged offence, become aware of those provisions, such person shall be acquitted, and the ship shall be released and not forfeited.

8. This Act shall remain in force so long as the scheduled provisions remain in force and no longer;

Provided that if by agreement between Her Majesty the Queen and the Government of the United States of America, the scheduled provisions are modified, then Her Majesty in Council may order that this Act shall, subject to any modifications specified in the Order, apply, and the same shall accordingly apply, to the modified provisions in like manner as if they were set out in the First Schedule to this Act.

SCHEDULES.

FIRST SCHEDULE.

Provisions in Award of the Tribunal of Arbitration constituted under the Treaty concluded at Washington on the 29th February, 1892, between Her Majesty the Queen and the United States of America.*

[Here follows extract from Award of August 15, 1893 (Articles 1 to 9).

Vol. LXXXV, page 1158.]

* Vol. LXXXIV, page 48.

SECOND SCHEDULE.

[Similar to Schedule of "Seal Fishery (North Pacific) Act, 1893."
Vol. LXXXV, page 1263.]

ACT of the British Parliament, for authorizing the Treasury to indemnify the Bank of England with respect to the Transfer of Consolidated Bank Annuities standing in the name of the late Sultan of Zanzibar.

[57 & 58 Vict., c. 31.]

[July 31, 1894.]

WHEREAS there are now standing in the name of His Highness Seyyid Ali-bin-Said-bin-Sultan, Sultan of Zanzibar, in the books of the Bank of England, the sum of 204,911*l.* 6*s.* 9*d.* Consolidated Bank Annuities, and certain sums of cash representing dividends thereon;

And whereas the said Sultan is dead, and difficulties have arisen as to the mode in which the said sum of Bank Annuities shall be transferred and as to the receipt of the said cash;

And whereas the present Sultan of Zanzibar has executed the Agreement set forth in the Schedule to this Act:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Treasury are hereby authorized to indemnify the Bank of England against any liability which the Bank may incur by reason of their acting in any transfer of the said Consolidated Bank Annuities, and the payment and receipt of the dividends thereon; and any money payable in pursuance of this indemnity shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

2. This Act may be cited as "The Zanzibar Indemnity Act, 1894."

SCHEDULE.

I, Seyyid Hamid-bin-Thwain-bin-Said, Sultan of Zanzibar, hereby charge the public revenues and property of the State of Zanzibar with repayment to Her Britannic Majesty's Treasury of any money which may be paid by Her Majesty's Treasury under an indemnity against any liability arising in consequence of any transfer by the Bank of England to or on behalf of the State of Zanzibar of the sum of 204,911*l.* 6*s.* 9*d.* Consolidated Bank Annuities, standing

in the books of that Bank in the name of His Highness Seyyid Ali-bin-Säid-bin-Sultan, the late Sultan of Zanzibar.

Dated the 30th day of June, 1894.

HAMID-BIN-THWAIN-BIN-SAYD, *Sultan of Zanzibar.*

ARTHUR H. HARDINGE, *Her Majesty's Agent and Consul-General.*

ACT of the British Parliament, to make further provision for the Establishment of Prize Courts, and for other purposes connected therewith.

[57 & 58 Vict., c. 39.]

[August 17, 1894.]

1. THIS Act may be cited as "The Prize Courts Act, 1894."

2.—(1.) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a Prize Court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the Court shall act only upon such Proclamation as hereinafter mentioned being made in the possession.

(2.) Where any such commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State, or otherwise, that war has broken out between Her Majesty and any foreign State, proclaim that war has so broken out, and thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein.

(3.) The said commission and warrant may authorize either a Vice-Admiralty Court or a Colonial Court of Admiralty, within the meaning of "The Colonial Courts of Admiralty Act, 1890,"* to act as a Prize Court, and may establish a Vice-Admiralty Court for that purpose.

(4.) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5.) A Court duly authorized to act as a Prize Court during any war shall, after the conclusion of the war, continue so to act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

3.—(1.) Her Majesty the Queen in Council may make Rules of Court for regulating, subject to the provisions of "The Naval Prize

* Vol. LXXXII, page 672.

Act, 1864,"* and this Act, the procedure and practice of Prize Courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the Courts, and the costs, charges, and expenses to be allowed to the practitioners therein.

(2.) Every Rule so made shall, whenever made, take effect at the time therein mentioned, and shall be laid before both Houses of Parliament, and shall be kept exhibited in a conspicuous place in each Court to which it relates.

(3.) This section shall be substituted for section 13 of "The Naval Prize Act, 1864," which section is hereby repealed.

(4.) If any Colonial Court of Admiralty within the meaning of "The Colonial Courts of Admiralty Act, 1890," is authorized under this Act or otherwise to act as a Prize Court, all fees arising in respect of prize business transacted in the Court shall be fixed, collected, and applied in like manner as the fees arising in respect of the Admiralty business of the Court under the said Act.

4. Her Majesty the Queen in Council may make Rules of Court for regulating the procedure and practice, including fees and costs, in a Vice-Admiralty Court, whether under this Act or otherwise.

5. Section 25 of "The Government of India Act, 1800," is hereby repealed.

BRITISH ORDER IN COUNCIL, applying the provisions of Sections 39 and 57 of "The Patents, Designs, and Trade-Marks Act, 1883," to the Vienna Exhibition of 1894.—Osborne, January 29, 1894.

At the Court at Osborne House, Isle of Wight, the 29th day of January, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Steward.

Sir John Cowell.

Sir William Vernon Harcourt.

Sir Philip Currie.

Sir Henry Ponsonby.

WHEREAS "The Patents, Designs, and Trade-Marks Act, 1883,"† amongst other things, provides, by section 39, that the exhibition of an invention at an Industrial or International Exhibition, certified as such by the Board of Trade, or the publication of any description

* See "Hortale's Treaties," Vol. 12, page 1038.

† Vol. LXXIV, page 211.

of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely :—

(a.) The exhibitor must, before exhibiting the invention, give the Comptroller the prescribed notice of his intention to do so ; and

(b.) The application for a patent must be made before or within six months from the date of the opening of the exhibition.

And whereas the said Act further provides by section 57 that the exhibition at an Industrial or International Exhibition, certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with, namely :—

(a.) The exhibitor must, before exhibiting the design or article, or publishing a description of the design, give the Comptroller the prescribed notice of his intention to do so ; and

(b.) The application for registration must be made before or within six months from the date of the opening of the exhibition.

And whereas Her Majesty, by virtue of the authority committed to her by the provisions of “The Patents Act, 1886,”* is empowered by Order in Council from time to time to declare that the provisions of the said Act of 1883 above recited shall apply to any exhibition mentioned in the Order in like manner as if it were an Industrial or International Exhibition certified by the Board of Trade, and to provide that the exhibitor shall be relieved from the conditions specified in the said hereinbefore recited sections of the said Act of 1883 :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said Act of 1886, doth declare, and it is hereby declared, that the provisions of the foregoing sections of the said Act of 1883 shall apply to the International Exhibition to be held at Vienna in the year 1894, and, further, that the exhibitor of an invention, a design,

* Vol. LXXVII, page 965.

or any article to which a design is applied, shall be relieved from the conditions specified in the said hereinbefore recited sections of the said Act of 1883 of giving notice as therein required of his intention to exhibit such invention, design, or article to which a design is applied.

C. L. PEEL.

*BRITISH ORDER IN COUNCIL, carrying into effect the
Extradition Treaty between Great Britain and the Argentine
Republic of May 22, 1889.—Osborne, January 29, 1894.*

At the Court at Osborne House, Isle of Wight, the 29th day of
January, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Steward.

Sir John Cowell.

Sir William Vernon Harcourt.

Sir Philip Currie.

Sir Henry Ponsonby.

WHEREAS by the Extradition Acts, 1870* and 1873,† it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer;

And whereas by an Act of the Parliament of Canada passed in 1886, and intituled "An Act respecting the Extradition of Fugitive

* Vol. LX, page 145.

† Vol. LXIII, page 391.

Criminals,"* provision is made for carrying into effect within the Dominion the surrender of fugitive criminals;

And whereas by an Order of Her Majesty the Queen in Council, dated the 17th day of November, 1888,† it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer;

And whereas a Treaty was concluded on the 22nd day of May, 1889, between Her Majesty and the President of the Argentine Republic, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

[See Vol. LXXXI, page 1305.]

And whereas the ratifications of the said Treaty were exchanged at Buenos Ayres on the 15th day of December, 1893:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 9th day of February, 1894, the said Acts shall apply in the case of the Argentine Republic, and of the said Treaty with the Argentine Republic:

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to the Argentine Republic, and to the said Treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force and no longer.

C. L. PEEL.

* Vol. LXXVII, page 877.

† Vol. LXXIX, page 831.

BRITISH ORDER IN COUNCIL, prohibiting the Catching of Seals by British Ships in certain parts of the North Pacific Ocean.—Osborne, January 29, 1894.

At the Court at Osborne House, Isle of Wight, the 29th day of January, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Steward.

Sir John Cowell.

Sir William Vernon Harcourt.

Sir Philip Currie.

Sir Henry Ponsonby.

WHEREAS by "The Seal Fishery (North Pacific) Act, 1893,"* it is enacted that Her Majesty the Queen may by Order in Council prohibit, during the period specified by the Order, the catching of seals by British ships in such parts of the seas to which that Act applies as are specified by the Order; and that for carrying into effect an arrangement with any foreign State, an Order in Council may provide that such officers of that State as are specified in the Order may exercise the like powers under the Act as may be exercised by a commissioned officer on full pay in the naval service of Her Majesty in relation to a British ship, and the equipment and crew and certificate thereof; and that any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of the said Act;

And whereas the said Act applies to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts of the North Pacific Ocean as are north of the 42nd parallel of north latitude;

And whereas an arrangement has been made between Her Majesty the Queen and His Imperial Majesty the Emperor of Russia, whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers;†

And whereas an Order in Council, intituled "The Seal Fishery (North Pacific) Order in Council, 1893,"‡ was issued on the 4th day of July, 1893, prohibiting the catching of seals by British ships within the zones as therein defined until the 1st day of January, 1894:

Now, therefore, Her Majesty, in virtue of the powers vested in

* Vol. LXXXV, page 1261.

† Vol. LXXXV, page 1286.

‡ Vol. LXXXV, page 1254.

her by the said recited Act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:

1. From and after the date of the present Order until Her Majesty in Council shall otherwise direct, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited Act applies as are comprised within the following zones, that is to say:

(1.) A zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; and

(2.) A zone of 30 marine miles round the Komandorsky Islands and Tulénaw (Robben Island).

2. The powers which under the recited Act may be exercised by any commissioned officer on full pay in the naval service of Her Majesty may be exercised by the Captain or other officer in command of any war vessel of His Imperial Majesty the Emperor of Russia in relation to a British ship, and the equipment and crew and certificate thereof.

3. This Order may be cited as "The Seal Fishery (North Pacific) Order in Council, 1894."

C. L. PEEL.

BRITISH ORDER IN COUNCIL, giving effect to the Extradition Treaty between Great Britain and Portugal of October 17, 1892.—Windsor, March 3, 1894.

At the Court at Windsor, the 3rd day of March, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Mr. Gladstone.

Marquess of Ripon.

Sir William Vernon Harcourt.

Earl Spencer.

WHEREAS by the Extradition Acts, 1870* and 1873,† it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the

* Vol. LX, page 145.

† Vol. LXIII, page 391.

part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer;

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals,"* provision is made for carrying into effect within the Dominion the surrender of fugitive criminals;

And whereas by an Order of Her Majesty the Queen in Council, dated the 17th day of November, 1888,† it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer;

And whereas a Treaty was concluded on the 17th day of October, 1892, between Her Majesty and His Majesty the King of Portugal, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

[See Vol. LXXXIV, page 83.]

And whereas a Protocol relative to the said Treaty was signed at Lisbon on the 30th day of November, 1892, which Protocol is in the terms following:—

[See Vol. LXXXIV, page 89.]

And whereas the ratifications of the said Treaty and Protocol were exchanged at Lisbon on the 13th day of November, 1893:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 19th day of March, 1894, the said Acts shall apply in the case of Portugal, and of the said Treaty and Protocol with His Majesty the King of Portugal:

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be sus-

* Vol. LXXVII, page 877.

† Vol. LXXIX, page 831.

pending within the Dominion of Canada so far as relates to Portugal, and to the said Treaty and Protocol, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force and no longer.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, carrying into effect the Treaty between Great Britain and Liberia of December 16, 1892, for the Mutual Extradition of Fugitive Criminals. — Windsor, March 10, 1894.

At the Court at Windsor, the 10th day of March, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Mr. Secretary Fowler.

Lord Privy Seal.

Mr. Lefevre.

Earl of Kimberley.

Mr. Bryce.

WHEREAS by the Extradition Acts, 1870* and 1873,† it was, amongst other things, enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer;

And whereas by an Act of the Parliament of Canada passed in 1886, and intitled "An Act respecting the Extradition of Fugitive

* Vol. LX page 145.

† Vol. LXIII, page 391.

Criminals,"* provision is made for carrying into effect within the Dominion the surrender of fugitive criminals ;

And whereas by an Order of Her Majesty the Queen in Council, dated the 17th day of November, 1888,† it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer ;

And whereas a Treaty was concluded on the 16th day of December, 1892, between Her Majesty and the President of the Republic of Liberia for the mutual extradition of fugitive criminals, which Treaty is in the terms following :—

[See Vol. LXXXIV, page 103.]

And whereas the ratifications of the said Treaty were exchanged at London on the 31st day of January, 1894 :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 23rd day of March, 1894, the said Acts shall apply in the case of Liberia, and of the said Treaty with the Republic of Liberia :

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to Liberia and to the said Treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force and no longer.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, making Regulations respecting the Liquor Traffic in the North Sea.—Windsor, April 30, 1894.

At the Court at Windsor, the 30th day of April, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Charles Russell.

Earl of Chesterfield.

Sir Frank Lascelles.

WHEREAS by section 1 of "The North Sea Fisheries Act, 1893,"‡ it is provided that the Convention set out in the Schedule thereto is,

* Vol. LXXVII, page 877.

† Vol. LXXIX, page 831.

‡ Vol. LXXXV, page 1258.

with the Protocol thereto annexed, by the said Act confirmed, and that the Articles thereof shall be of the same force as if they were enacted in the said Act ;

And whereas by section 4 of the said Act it is further provided that if within the North Sea limits, but outside territorial waters, any person on board or belonging to a British vessel deals with any person on board or belonging to a sea fishing-boat in any provisions or other articles for his use except spirituous liquors without a licence granted in pursuance of Article III of the said Convention, or without carrying on his vessel the mark agreed upon in pursuance of that Article or in contravention of any conditions of a licence so granted, he shall be liable to a fine not exceeding 20*£*, and his licence may be revoked ;

And whereas by section 5 of the said Act it is also provided that Her Majesty the Queen may from time to time by Order in Council make regulations for any of the following purposes :—

(a.) For prescribing the mode in which licences respecting the liquor traffic in the North Sea under Article III of the scheduled Convention are to be granted, renewed, and revoked ;

(b.) For prescribing the mode of application for such licences and the conditions under which and the time for which the licences are to be granted ; and

(c.) Generally for giving effect to any of the provisions of the said Act or any of the Articles of the Convention in the Schedule thereto ;

And whereas by Article III of the said Convention it is provided that the liberty to deal with fishermen in provisions and other articles for their use (spirituous liquors excepted) shall be subject to a licence to be granted by the Government of the country to which the vessel belongs, and that such licence must specify the following amongst other conditions, viz. :—

1. That the vessel may not have on board a quantity of spirits greater than what is deemed requisite for the consumption of her crew ;

2. That all exchange of the articles above indicated for products of the fisheries, gear, or equipment of fishing-boats or fishing implements is forbidden, and that vessels provided with such licence must carry a special and uniform mark to be agreed upon by the High Contracting Powers ;

And whereas by section 10 of the said Act it is further provided that the Act shall come into force on such a day as may be fixed by a Notice in that behalf published in the “London Gazette ;”

And whereas by a Notice dated the 11th day of April, 1894, and published in the “London Gazette” of the 13th day of April, 1894,

it is declared that "The North Sea Fisheries Act, 1893, shall come into force on the 28rd day of May, 1894 ;*

And whereas it has been made to appear to Her Majesty that it is expedient to make regulations for the purposes referred to in section 5 of the said recited Act and Article III of the said scheduled Convention :

Now, therefore, Her Majesty, in exercise of the powers vested in her by the said recited Act, by and with the advice of her Privy Council, is pleased to make the Regulations which are set forth in the Schedule annexed hereto, and to direct that the same shall commence and be in force on and after the 23rd day of May, 1894.

C. L. PEEL.

The Schedule referred to in the foregoing Order.

Regulations made pursuant to Section 5 of "The North Sea Fisheries Act, 1893," in respect of the Grant, Renewal, and Revocation of Licences under Article III of the Convention scheduled to the said Act.

1. LICENCES under Article III of the said Convention giving liberty to deal with fishermen in provisions and other articles for their use (spirituous liquors excepted) may be granted and renewed by the Board of Trade, subject to the following regulations :—

2. No licence shall be granted or renewed except on the written application of the owner of the vessel for dealing on or from which the licence is desired, made in such form and containing such particulars as the Board of Trade may from time to time direct.†

3. The Board of Trade may in their discretion refuse to grant or renew any licence.

4. A licence shall be granted only for dealing on or from the vessel named therein, and not more than three licences shall be in force at any time for dealing on or from any one vessel. A licence shall not be granted to anyone except the following persons :—

- (a.) The master of the vessel ;
- (b.) The mate of the vessel :
- (c.) One other person belonging to the vessel.

5. A licence shall be granted for the period named therein, provided that this period shall not extend beyond the 31st December in any year.

6. Every licence shall be granted subject to the following conditions, the substance of which shall be set out in the licence, and such conditions shall be operative during the whole period for which the same is granted :—

(a.) The vessel shall not have on board a quantity of spirits or spirituous liquors greater than that which the Board of Trade shall in each case deem requisite for the consumption of her crew, and such quantity shall be stated in the licence.

* Page 132.

† A form of application for licences was issued by the Board of Trade in May 1894.

(b.) The licensee shall not exchange provisions or other articles for the use of fishermen for products of the fisheries, gear or equipment of fishing-boats, or fishing implements;

(c.) The licensee shall not supply spirituous liquors to any person on board or belonging to a fishing-boat;

(d.) The licensee shall not obstruct any British or foreign sea fishery officer while exercising the powers conferred upon him by the said Act, and shall comply with any lawful requisitions or directions made by him;

(e.) The master shall at all times when within the North Sea limits, and outside territorial waters, carry and exhibit from the head of the principal mast of the vessel the special uniform mark agreed upon in pursuance of Article III of the Convention, namely, a white flag $78\frac{1}{2}$ inches (2 metres French) square, bearing in the centre the letter "S" in black, $39\frac{3}{8}$ inches (1 metre French) high, and $7\frac{1}{2}$ inches (2 decem. French) broad;

(f.) The licence shall not be transferable, and the licensee shall not permit any other person to have possession thereof (except by forwarding the same to the Board of Trade as hereinafter required);

(g.) The licensee shall keep his licence in his possession at all times when the vessel is at sea, and shall forthwith produce the same on the demand of any British or foreign sea fishery officer (unless the same shall have been forwarded to the Board of Trade as hereinafter required);

(h.) The licensee shall forward his licence to the Board of Trade whenever required so to do by a British sea fishery officer;

(i.) The licence is revocable by the Board of Trade if in their discretion they think fit to revoke the same.

7. The renewal of a licence, and the licence when renewed, shall be subject to the regulations herein contained with respect to the original granting thereof and the original licence respectively. Applications for renewal shall be made at or within such time as the Board of Trade shall from time to time direct.

8. Subject to the provisions contained in these regulations, the Board of Trade may make such regulations or give such directions with regard to the form of licences, and their renewals or otherwise, for the purpose of carrying these regulations into effect (with power to alter or vary such regulations or directions from time to time) as they in their discretion shall think fit.

9. In these regulations—

The expression "owner" shall include managing owner or ship's husband; the expression "master" shall include skipper or other person for the time being in charge of the vessel; the expression "mate" shall include second hand;

The expression "sea fishing-boat" shall include every vessel of whatever size, and in whatever way propelled, which is used by any person in sea fishing or in carrying on the business of a sea fisherman;

The expression "vessel" shall include ship, boat, lighter, and craft of every kind, whether navigated by steam or otherwise.

BRITISH ORDER IN COUNCIL, applying the Patents, Designs, and Trade-Marks Acts, 1883 and 1885,† to Tasmania.—Windsor, April 30, 1894.*

At the Court at Windsor, the 30th day of April, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Charles Russell.

Earl of Chesterfield.

Sir Frank Lascelles.

WHEREAS by the provisions of "The Patents, Designs, and Trade-Marks Act, 1883," as amended by "The Patents, Designs, and Trade-Marks (Amendment) Act, 1885," it is, amongst other things, provided:—

That if Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such State shall be entitled to a patent for his invention, or to registration of his design or trade-mark (as the case may be) under the said Act in priority to other applicants, and such patent or registration shall have the same date as the date of the application in such foreign State:

Provided that his application is made in the case of a patent within seven months, and in the case of a design or trade-mark within four months from his applying for protection in the foreign State with which the Arrangement is in force:

Provided that nothing in the aforesaid provision contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his design or trade-mark in this country, as the case may be.

The publication in the United Kingdom or the Isle of Man, during the respective periods aforesaid, of any description of the invention or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the

* Vol. LXXIV, page 211.

† Vol. LXXVI, page 498.

trade-mark shall not invalidate the patent which may be granted for the invention or the registration of the design or trade-mark.

The application for the grant of a patent, or the registration of a design, or the registration of a trade-mark under the said provisions must be made in the same manner as an ordinary application under the said Act :

Provided that in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under the said Act ;

And it is further provided—

That where it is made to appear to Her Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in this country, it shall be lawful for Her Majesty, from time to time, by Order in Council, to apply the provisions first recited, with such variations or additions, if any, as to Her Majesty in Council may seem fit, to such British possession.

And whereas it has been made to appear to Her Majesty that the Legislature of the Colony of Tasmania has made satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in this country :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said first mentioned Act, doth declare, and it is hereby declared, that the provisions of the said Acts hereinbefore specified shall apply to the Colony of Tasmania.

And it is further ordered and declared that this Order shall take effect, so far as regards patents at the expiration of seven months, and so far as regards designs and trade-marks at the expiration of four months, from the day and date first above written.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, giving effect to the Extradition Treaty between Great Britain and Roumania of March 21, 1893.—Windsor, April 30, 1894.

At the Court at Windsor, the 30th day of April, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Charles Russell.

Earl of Chesterfield.

Sir Frank Lascelles.

WHEREAS by the Extradition Acts, 1870* and 1873,† it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer;

And whereas by an Act of the Parliament of Canada passed in 1886, and intituled "An Act respecting the Extradition of Fugitive Criminals,"‡ provision is made for carrying into effect within the Dominion the surrender of fugitive criminals;

And whereas by an Order of Her Majesty the Queen in Council, dated the 17th day of November, 1888,§ it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer;

* Vol. LX, page 145.

† Vol. LXIII, page 391.

‡ Vol. LXXVII, page 877.

§ Vol. LXXIX, page 831.

And whereas a Treaty was concluded on the 21st day of March, 1893, between Her Majesty and His Majesty the King of Roumania, for the mutual extradition of fugitive criminals, which Treaty is in the terms following :—

[See Vol. LXXXV, page 69.]

And whereas a Protocol relative to the aforesaid Treaty was signed at Bucharest, on the 21st day of March, 1893, which Protocol is in the terms following :—

[See Vol. LXXXV, page 75.]

And whereas a Protocol explanatory of section 21 of Article II of the aforesaid Treaty was signed at Bucharest on the 18th day of March, 1894, which Protocol is in the terms following :—

[See page 371.]

And whereas the ratifications of the said Treaty and Protocol of the 21st day of March, 1893, were exchanged at Bucharest on the 18th day of March, 1894 :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 21st day of May, 1894, the said Acts shall apply in the case of Roumania, and of the said Treaty and Protocol of the 21st March, 1893, and of the Protocol of the 18th March, 1894, with the King of Roumania :

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to Roumania, and to the said Treaty and Protocols, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force and no longer.

C. L. PEEL.



BRITISH ORDER IN COUNCIL, giving effect to the Copyright Convention between Great Britain and Austria-Hungary of April 24, 1893.—Windsor, April 30, 1894.

At the Court at Windsor, the 30th day of April, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Charles Russell.

Earl of Chesterfield.

Sir Frank Lascelles.

WHEREAS a Convention has been concluded on the 24th day of April, 1893, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary, with respect to the protection to be given by way of copyright to the authors of literary and artistic works;

And whereas the ratifications of the said Convention were exchanged on the 14th day of April, 1894, between Her Majesty the Queen and His Majesty the Emperor;

And whereas Her Majesty in Council is satisfied that the Austro-Hungarian Monarchy have made such provisions as it appears to Her Majesty expedient to require for the protection of authors of works first produced in Her Majesty's dominions;

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the International Copyright Acts, 1844 to 1886, doth order, and it is hereby ordered, as follows:—

1. The Convention as set forth in the First Schedule to this Order shall, as from the commencement of this Order and subject to clause 5 of this Order, have full effect throughout Her Majesty's dominions, and all persons are enjoined to observe the same.

2. The author of a literary or artistic work which on or after the commencement of this Order is first produced in the Austro-Hungarian Monarchy shall, subject as in this Order and in the International Copyright Acts, 1844 to 1886, mentioned, have as respects that work throughout Her Majesty's dominions, but subject to the exceptions specified in clause 5 of this Order, the same right of copyright, including any right capable of being conferred by an Order in Council under section 2 or section 5 of "The International Copyright Act, 1844,"* or under any other enactment, as if the

* Vol. XXXIV, page 1128.

work had been first produced in the United Kingdom, and shall have such right during the same period.

Provided that the author of a literary or artistic work shall not have any greater right or longer term of copyright therein than that which he enjoys in the country in which the work is first produced.

The author of any literary or artistic work first produced before the commencement of this Order shall have the rights and remedies to which he is entitled under section 6 of "The International Copyright Act, 1886."*

3. Section 6 of "The International Copyright Act, 1852,"† shall not apply to any dramatic piece to which protection is extended by virtue of this Order.

4. This Order shall be construed as if it formed part of "The International Copyright Act, 1886."

5. This Order shall apply to all the Colonies and foreign possessions of Her Majesty, excepting to those hereinafter named, that is to say, except to—

India.

The Dominion of Canada.

Newfoundland.

The Cape.

Natal.

New South Wales.

Victoria.

Queensland.

Tasmania.

South Australia.

Western Australia.

New Zealand.

Provided, nevertheless, that the provisions of this Order may be applied by further Order to any of the above-named Colonies or foreign possessions on whose behalf notice to the effect indicated in Article IX of the Convention shall be given.

6. This Order shall come into operation on the 11th day of May, 1894, which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

C. L. PEEL.

* Vol. LXXVII, page 966.

† Vol. XLI, page 675.

SCHEDULE.

Convention between Great Britain and Austria-Hungary, for the Establishment of International Copyright.—Signed at Vienna, April 24, 1893.

[See Vol. LXXXV, page 2.]

BRITISH ORDER IN COUNCIL, issued under "The Behring Sea Award Act, 1894," for carrying into effect the provisions of the Behring Sea Arbitration Award of August 15, 1893.†—Windsor, April 30, 1894.*

At the Court at Windsor, the 30th day of April, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Charles Russell.

Earl of Chesterfield.

Sir Frank Lascelles.

WHEREAS by "The Behring Sea Award Act, 1894,"* it is enacted that Her Majesty the Queen in Council may make Orders for carrying into effect the provisions of the Behring Sea Arbitration Award set out in the first Schedule to that Act, and therein referred to as the scheduled provisions;

And whereas by the said Act, it is also enacted that an Order in Council made under that Act may provide that such officers of the United States of America as are specified in the Order may, in respect of offences under that Act, exercise the like powers under that Act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in Council to be exercisable under the law of the United States of America against ships of the United States, and that such British officers as are specified in the Order may exercise the powers conferred by that Act, with any necessary modifications specified in the Order, in relation to a ship of the United States of America, and the equipment and certificate thereof;

And whereas the powers which Article 1 of this Order confers upon the officers of the United States therein specified are powers which, in respect of offences under the said Act, may be exercised

* Page 75.

† Vol. LXXXV, page 1158.

by a commissioned officer of Her Majesty in relation to a British ship and the equipment and certificate thereof, and appear to Her Majesty in Council to be exercisable under the law of the United States against ships of the United States :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. The Commanding Officer of any vessel belonging to the naval or revenue service of the United States of America, and appointed for the time being by the President of the United States for the purpose of carrying into effect the powers conferred by this Article, the name of which vessel shall have been communicated by the President of the United States to Her Majesty as being a vessel so appointed as aforesaid, may, if duly commissioned and instructed by the President in that behalf, seize and detain any British vessel which has become liable to be forfeited to Her Majesty under the provisions of the recited Act, and may bring her for adjudication before any such British Court of Admiralty as is referred to in section 103 of "The Merchant Shipping Act, 1854,"* (which section is set out in the second Schedule to the recited Act), or may deliver her to any such British officer as is mentioned in the said section for the purpose of being dealt with pursuant to the recited Act.

2. The Commanding Officer of any vessel belonging to the naval or revenue service of Her Majesty, and appointed for the time being by Her Majesty for the purpose of carrying into effect the powers conferred by this Article, the name of which vessel shall have been communicated by Her Majesty to the President of the United States as being a vessel so appointed as aforesaid, may, if duly commissioned and instructed by Her Majesty in that behalf, exercise the powers conferred by the recited Act in relation to a ship of the United States: Provided that such officer, after seizing and detaining a ship of the United States in exercise of the said powers, shall take her for adjudication before a Court of the United States having jurisdiction to adjudicate in the matter, or deliver her to any naval or revenue officer or other authorities of the United States.

3.† Until arrangements for giving further effect to Articles 4 and 7 of the said scheduled provisions shall have been made between Her Majesty and the Government of the United States, the following provisions should have effect :—

(a.) A Secretary of State, or any person duly authorized by him for the purpose, may grant a special licence in such form and

* Vol. XLV, page 1347.

† Repealed by Order in Council of June 27, 1894, page 103.

manner as he may think fit to any British sailing-vessel, authorizing such vessel for the present year to fish for fur-seals during the period of time in the manner and in the waters in which fur-seal fishing is allowed by the recited Act, and until the delivery of such special licence any British sailing-vessel which before the date of this Order has left port, and is or is intended to be employed in the said fishing, shall be deemed to have been duly authorized, and duly provided with a special licence, within the meaning of the said Article 4; and all persons on board any such vessel, which is or is deemed to have been provided with a special licence, shall be deemed to have been duly authorized to engage in fur-seal fishing within the meaning of the said Article 7.

(b.) A Secretary of State may, by notice published in the "London Gazette," prescribe the flag to be used by such British vessels as are, or shall be, authorized to fish for fur-seals under the provisions of this Order, and may cause one such flag to be delivered to each authorized vessel which has left port before receiving a special licence; and every vessel which before leaving port has received a special licence, and every authorized vessel to which such flag shall have been delivered, shall carry such flag during the period of time and in the waters in which fur-seal fishing is allowed by the recited Act, and shall hoist it at such times and in such manner as may be prescribed by such notice.

(c.) A Secretary of State may give such further provisional directions as he may deem necessary for the due observance of the provisions of the recited Act and this Order, and any such directions, on being published in such manner as he may direct, shall be observed as if they were contained in this Order.

4. This Order may be cited as "The Behring Sea Award Order in Council, 1894."

And the Right Honourable the Earl of Kimberley, K.G., the Most Honourable the Marquess of Ripon, K.G., two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, respecting the Tonnage Measurement of Norwegian Vessels.—Windsor, June 27, 1894.

At the Court at Windsor, the 27th day of June, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862,"* it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificates of registry of British ships is to be deemed the tonnage of such ships;

And whereas by "The Merchant Shipping Act, 1876,"† it is enacted that "where Her Majesty has power, under 'The Merchant Shipping Act, 1854,' or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made;"

And whereas it was made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854,"‡ had been adopted by the Royal Norwegian Government, and came into force in Norway on the 1st day of April, 1876;

And whereas by Order in Council dated the 17th day of May, 1876,§ and by Order in Council dated the 2nd day of February, 1884,|| which revoked the last recited Order, Her Majesty was pleased by and with the advice of her Privy Council to direct that, subject to certain provisos therein contained, the merchant-ships, belonging

* Vol. LXVI, page 682.

† Vol. LXXVII, page 751.

§ Vol. LXVII, page 705.

‡ Vol. XLV, page 1347.

|| Vol. LXXV, page 398.

to the Kingdom of Norway, the measurement of which had been ascertained and denoted on the registers or other national papers of such ships should be deemed to be of the tonnage denoted in such registers or other national papers, in the same manner, to the same extent and for the same purpose, in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships ;

And whereas it has been made to appear to Her Majesty that a new Royal Ordinance, which came into operation on the 1st day of October, 1893, stipulates that the certificates of tonnage of Norwegian steam-ships may show the net tonnage calculated according to British rules ;

And whereas it has been made to appear desirable to Her Majesty that the provisions of the said recited Order in Council of the 2nd day of February, 1884, should be revoked and a new Order in Council made and substituted in lieu thereof :

Now, therefore, Her Majesty in virtue of the powers vested in her by the said recited Acts, and by and with the advice of her Privy Council, is pleased to direct that the said recited Order of the 2nd day of February, 1884, shall be, and the same is hereby revoked, and in lieu thereof and in substitution therefor Her Majesty is hereby pleased by and with the advice of her Privy Council to direct that the ships of Norway, the certificates of Norwegian nationality and registry of which are dated on and after the said 1st day of October, 1893, shall be deemed to be of the tonnage denoted in the said certificates of Norwegian nationality and registry.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, respecting the Issue of Licences for British Vessels engaged in Seal Fishing in Behring Sea during 1894.—Windsor, June 27, 1894.

At the Court at Windsor, the 27th day of June, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Earl Spencer.

Lord Chamberlain.

Lord Kensington.

WHEREAS by "The Behring Sea Award Act, 1894,"* it is enacted that Her Majesty the Queen in Council may make Orders

for carrying into effect the provisions of the Behring Sea Arbitration Award set out in the first Schedule to that Act, and therein referred to as the scheduled provisions ;

And whereas by Article 3 of "The Behring Sea Award Order in Council, 1894,"* Her Majesty ordered that until arrangements for giving further effect to Articles 4 and 7 of the said scheduled provisions should have been made between Her Majesty and the Government of the United States, the provisions contained in that Article should have effect ;

And whereas arrangements have been made for giving further effect to the said Articles, and for regulating during the present year the fishing for fur-seals in accordance with the said scheduled provisions ; and it is expedient that effect should be given to those arrangements by an Order in Council under the said Act :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Act, and of all other powers enabling her in that behalf is hereby pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. On the application of the owner of any British sailing-vessel intended to be employed in fur-seal fishing under the provisions of the recited Act, a Secretary of State may, if satisfactory evidence as required by the said Article 7 has been given by such owner of the fitness of the men to be employed by him on the said vessel in the said fishing, grant a special licence in the form in the Schedule hereto, authorizing that vessel for the present year to fish for fur-seals during the period in the manner and in the waters in which fur-seal fishing is allowed by the recited Act ; and the said special licence, when so granted, shall be carried on board the said vessel at all times while so employed.

2. Every British sailing-vessel provided with a special licence under this Order or the recited Order, or which, under the recited Order, is deemed to have been so provided, shall show under her national colours a flag, not less than 4 feet square, of two equal triangular pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the luff; the part above and to the left to be black, and the part to the right and below to be yellow.

3. If, in the case of any vessel, there is any contravention of these Regulations, the Secretary of State, whether any penalty has been recovered under the recited Act or not, may revoke the special licence.

4. Article 3 of the recited Order is hereby repealed, without prejudice, however, to any authorization given thereunder.

5. This Order may be cited as "The Behring Sea Award Order in Council (No. 2), 1894," and the recited Order and this Order may together be cited as "The Behring Sea Award Orders in Council, 1894."

And the Right Honourable the Earl of Kimberley, K.G., and the Most Honourable the Marquess of Ripon, K.G., two of Her Majesty's Principal Secretaries of State, and the Lords of the Admiralty, are to give the necessary directions herein as to them respectively appertain.

C. L. PEEL.

SCHEDULE.

FORM OF SPECIAL LICENCE.

Behring Sea Award Act, 1894; Behring Sea Award Orders in Council, 1894.

Special Licence.

WHEREAS the British sailing-vessel _____ is intended to be employed during the present year in fishing for fur-seals under the provisions of "The Behring Sea Award Act, 1894;"

And whereas *A. B.* the owner [*or, A. B. and others, owners*] of the said vessel have given satisfactory evidence of the fitness of the men who are to be employed on board the said vessel in the said fishing;

Now, therefore, in pursuance of the above-mentioned Act and Orders in Council, I hereby authorize the said vessel for the present year to be employed in fur-seal fishing during the period of time in the manner and in the waters in which fur-seal fishing is allowed by the above-mentioned Act.

This special licence is subject to revocation in case of any contravention of the above-mentioned Act or Orders in Council.

Given under my hand, this _____ day of _____, 1894.
 _____, *Secretary of State.*

*BRITISH ORDER IN COUNCIL, providing for the Administration of Matabeleland by the British South Africa Company.—Windsor, July 18, 1894.**

At the Court at Windsor, the 18th day of July, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of York.

Lord President.

Sir Henry Ponsonby.

Lord Privy Seal.

Sir John Cowell.

Lord Steward.

WHEREAS the territories of South Africa, situated within the limits of this Order as hereinafter described, are under the protection of Her Majesty the Queen ;

And whereas by Treaty, grant, usage, sufferance, and other lawful means Her Majesty has power and jurisdiction in the said territories :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by "The Foreign Jurisdiction Act, 1890,"† or otherwise in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as "The Matabeleland Order in Council, 1894."

2. This Order is divided into parts, as follows :—

Parts.	Articles.
I.	Interpretation and Application 3- 6
II.	Administration and Legislation 7-25
III.	Judicial 26-43
IV.	Land Commission.. .. 44-54
V.	Judicial Notice; Commencement 55-57

Part I.—*Interpretation and Application.*

3. In this Order, unless the subject or context otherwise requires,—

"Her Majesty" includes Her Majesty's heirs and successors.

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

* "London Gazette," July 27, 1894.

† Vol. LXXXII, page 656.

"High Commissioner" means Her Majesty's High Commissioner for the time being for South Africa.

"The Company" means the British South Africa Company.

"Charter" means Her Majesty's Charter of the 29th day of October, 1889,* incorporating the Company.

"High Court" means the High Court of Matabeleland constituted by this Order.

"The Judge" means the Senior Judge of the High Court, or the sole Judge of the High Court so long as there is only one, and includes an Acting Judge.

"Administrator" means an Administrator appointed under this Order to administer affairs within the limits of this Order, and includes an Acting Administrator.

"Magistrate" means a Magistrate appointed under this Order, and includes an Acting Magistrate.

"Proclamation" means a Proclamation issued by the High Commissioner under an Order in Council.

"Ordinance" means a legislative Ordinance made by the Company under the Charter or under this Order.

"Regulation" means a legislative Regulation made by the Administrator and the Council under this Order.

"The Colony" means the Colony of the Cape of Good Hope.

"Supreme Court" means the Supreme Court of the Colony.

"Gazette" means any official Gazette published within the limits of this Order by authority of the Administrator, and until such Gazette is instituted means the "Cape of Good Hope Government Gazette."

"Native" means any person not of European descent, who is a native of South Africa, or of Central Africa.

"Person" includes Corporation.

The plural includes the singular, and the singular the plural, and the masculine the feminine.

4. The limits of this Order are the parts of South Africa bounded by the Portuguese possessions, the South African Republic to a point opposite the mouth of the River Shashi, by the River Shashi, and the territories of the Chief Khama of the Bamangwato to the River Zambezi, and by that river to the Portuguese boundary, including an area of 10 miles radius round Fort Tuli, and excluding the area of the district known as the Tati districts as defined by the Charter.

5. A Secretary of State may from time to time, by Notice published in the Gazette and in the "London Gazette," declare that any parts of South Africa south of the River Zambezi, and

under the protection of Her Majesty, shall be included in the limits of this Order, and from the date of the later of such publications this Order shall apply to the parts named therein. A Secretary of State may from time to time by the like Notice declare that any part of South Africa for the time being within the limits of this Order shall, until otherwise directed, be excepted from the application of this Order; and from the date of the later publication of such Notice the part named therein shall be excluded from the limits of this Order.

6. The powers and authorities conferred upon the High Commissioner by Her Majesty's Order in Council of the 9th May, 1891,* as amended by Her Majesty's Order in Council of the 30th July, 1891,† shall continue in force within the limits of this Order concurrently with the powers conferred upon the Company by this Order. The powers conferred upon the Company by this Order are in augmentation of the powers conferred upon it by the Charter.

Part II.—*Administration and Legislation.*

7. The Company shall have and may exercise the general administration of affairs within the limits of this Order, in accordance with the terms of the Charter and the provisions of this Order.

8. The Company may exercise such administration by an officer styled the Administrator, and under him by such other officers as may from time to time be necessary. The Company shall appoint and pay the Administrator and all such officers, but shall obtain the approval of a Secretary of State before appointing any person to the office of Administrator. The salary of the Administrator shall be fixed by the Company, with the approval of a Secretary of State, and shall not be increased or diminished without his approval. The Administrator may be removed from office by a Secretary of State, or by the Company with the approval of a Secretary of State.

9. The Administrator may hold office, unless sooner removed, for three years from the date at which he enters upon the duties of his office; and with the approval of a Secretary of State may from time to time be reappointed for the further term of three years. At the end of any such term the Administrator may continue in office until reappointed or until his successor is appointed.

10. If at the end of any such term, or if on a vacancy in the office, the Company does not within nine months thereafter, with the approval of a Secretary of State, reappoint the Administrator or appoint his successor, a Secretary of State may appoint some person to be Administrator.

* Vol. LXXXIII, page 809.

† Vol. LXXXIII, page 812.

11. The Company, with the approval of a Secretary of State, may appoint some person to act as Administrator in the event of the death, removal, resignation, absence, incapacity, or suspension of the Administrator. The Company, with the approval of a Secretary of State, may remove an Acting Administrator. When there is no Administrator or Acting Administrator within the limits of the Order capable of discharging the duties of the office the Judge may act as Administrator.

12. There shall be a Council to assist the Administrator, consisting of the Judge, *ex officio*, and three other members; such other members shall be appointed by the Company, with the approval of a Secretary of State, and may be removed by the Company. At the end of two years from the first appointment of members, and at the end of every succeeding period of two years, one of such members shall retire. The first two members to retire shall be determined by agreement, or, in default of agreement, by lot. Thereafter the member shall retire who has been longest in office without reappointment. A retiring member may be reappointed, and shall hold office until the appointment of his successor.

13. Whenever any such member of Council resigns, or is removed from office, or dies, the Company shall within nine months thereafter appoint a successor, with the approval of a Secretary of State. In default of such appointment a Secretary of State may appoint. Any member appointed under this Article shall hold office for so long only as the person in whose stead he is appointed would have been entitled to hold office.

14. The Council shall meet whenever summoned by the Administrator, and shall be competent to discharge its functions notwithstanding the existence of one vacancy among its members, whether caused by a vacancy in the office of Judge or of one of the other members. The Administrator shall preside at all meetings of the Council, and any two members, with the Administrator, shall form a quorum. All questions shall be decided by a majority of the votes of those present, and if the votes are equal the Administrator shall have a casting vote.

15. The Administrator shall take the advice of the Council upon all matters of importance affecting the administration of affairs within the limits of this Order, except in cases which are too urgent to admit of their advice being taken. In all such urgent cases he shall as soon as possible summon the Council and acquaint them with the action taken and the reasons therefor.

16. The Administrator may act contrary to the advice of the Council, but in every such case he shall report the matter forthwith to the Company, with the reasons for his action. In every such case any member of the Council who dissents may require that the

reasons for his dissent be recorded and transmitted to the Company. The Company may reverse any action of the Administrator whether taken with, or without, or against the advice of the Council.

17. The Administrator, with the concurrence of the Council, may make, alter, and repeal regulations. Such regulations, when promulgated as hereinafter mentioned, shall take effect within the limits of this Order as if they were contained in this Order.

A regulation shall only be valid if—

(1.) Two members of the Council besides the Administrator have concurred in it;

(2.) The High Commissioner has approved it;

(3.) It be promulgated by being published in the Gazette by authority of the High Commissioner.

The production of a copy of the Gazette in which a regulation purports to be published by authority of the High Commissioner shall be evidence of promulgation, and of the approval of the High Commissioner, and of its having received the requisite concurrence of the Council.

18. At any time within one year after promulgation, a regulation may be disallowed by a Secretary of State or by the Company. Such disallowance shall be notified in the Gazette by the High Commissioner or by the Administrator, and thereupon the regulation so disallowed shall cease to have any force or effect, but without prejudice to anything theretofore lawfully done thereunder.

19. A Regulation or an Ordinance may, if the Administrator or the Company have previously received the consent of the High Commissioner, amend or repeal a Proclamation; and without such consent a Regulation may suspend the operation of an Ordinance or any part thereof.

A Regulation may at any time be repealed or amended by an Ordinance.

20. If any Regulation or if any Ordinance of the Company is in any respect repugnant to the provisions of an Order made by Her Majesty in Council, or a Proclamation of the High Commissioner (unless made with his previous consent), such Regulation or Ordinance shall be read subject to such Order or Proclamation, and shall to the extent of such repugnancy be absolutely void.

21. The Company by Ordinance approved by a Secretary of State, or the Administrator and Council by Regulation, may empower any local Municipal Body or other local authority to levy rates for the lawful purposes of such Municipal Body or local authority, and to make bye-laws for the more efficient carrying out of such purposes, and to prescribe a penalty not exceeding 10*l*. for breach of such bye-laws, and to recover such penalties by proceedings before a Magistrate.

22. The Company may by Ordinance approved by a Secretary of State impose such taxes, including a hut tax in respect of the occupation of native huts, and such customs duties upon goods entering the limits of this Order as are necessary to provide a revenue for carrying out the effective administration of affairs within the limits of this Order.

23. The Company shall not by Ordinance, nor shall the Administrator and Council by Regulation, impose upon natives any conditions, disabilities, or restrictions which do not equally apply to persons of European descent, save in respect of the following matters:—

(a.) The supply of arms, ammunition, and liquor;

(b.) Any matter in respect of which a Secretary of State, upon the recommendation of the High Commissioner, thinks fit to authorize an Ordinance or Regulation.

24. A native may acquire, hold, encumber, and dispose of land on the same conditions as a person who is not a native, but no contract for encumbering or alienating land the property of a native shall be valid unless the contract is made in the presence of a Magistrate, is attested by him, and bears a certificate signed by him stating that the consideration for the contract is fair and reasonable, and that he has satisfied himself that the native understands the transaction.

25. In case of a revolt against the Company, or other misconduct committed by a native Chief or tribe, the Administrator and Council may impose a reasonable fine upon the offender. The Administrator shall forthwith report every such case to the High Commissioner, who may remit the fine in whole or in part; the Administrator shall give effect to any such remission.

Part III.—*Judicial.*

26. There shall be a Court of Record, styled the High Court of Matabeleland, with full jurisdiction, civil and criminal, over all persons and over all matters within the limits of this Order, and the law to be administered by the High Court and by the Magistrates' Courts hereinafter mentioned shall, as nearly as the circumstances of the country permit, be the same as the law in force in the Colony at the commencement of this Order, except so far as that law has been modified by any Order in Council or Proclamation or Ordinance in force at the date of such commencement. The Courts shall give effect to such Orders in Council, Proclamations, or Ordinances until altered or repealed, and to any Order in Council, Proclamation, Ordinance, or Regulation hereafter to be made, except so far as any Proclamation, Ordinance, or Regulation is repugnant

to this Order, or to any other Order made by Her Majesty in Council.

27. In civil cases between natives the High Court and the Magistrates' Courts shall be guided by native law so far as that law is not repugnant to natural justice or morality, or to any Order made by Her Majesty in Council, or to any Proclamation or Ordinance. In any such case the Court may obtain the assistance of one or two native assessors, to advise the Court upon native law and customs, but the decision of the Court shall be given by the Judge or Magistrate alone. In all other respects the Court shall follow as far as possible the procedure observed in similar cases in the Courts of the Colony.

28. If in any civil case between natives a question arises as to the effect of a marriage contracted, according to native law or custom, by a native in the lifetime of one or more other wives married to him according to native law or custom, the Court may treat such marriage as valid for all civil purposes, in so far as polygamous marriages are recognized by the said native law or custom.

29. There shall be as many Judges of the High Court, to be paid by the Company, as from time to time may be required. Every Judge shall be appointed by the Company, with the approval of a Secretary of State, and shall hold office during pleasure, but shall only be removed by a Secretary of State. The salaries of the Judges shall be fixed by the Company with the approval of a Secretary of State, and shall not be increased or diminished without his approval.

30. If on a vacancy in the office of Judge the Company does not within nine months thereafter appoint a successor, a Secretary of State may appoint some person to be Judge.

31. The High Court shall be held at such places as may from time to time be prescribed by Proclamation or Ordinance. The jurisdiction of the High Court may, until other arrangements are made by Proclamation, be exercised by any Judge thereof sitting alone.

32. If any sentence of death is pronounced by the High Court a copy of the evidence shall be transmitted to the High Commissioner, and the sentence shall not be carried into effect until confirmed by him; the High Commissioner may signify his confirmation by telegraph.

33. The High Commissioner may remit or commute, in whole or in part, any sentence of the High Court.

34. The High Court may make rules for regulating its procedure and practice and the admission of practitioners, and subject thereto, and so far as the same do not extend, the procedure, rules, and regulations of the High Court shall be the same as the procedure, rules, and regulations of the Supreme Court.

35. In civil matters when the amount of value in dispute exceeds 100*l.*, an appeal shall lie from the High Court to the Supreme Court.

Every appeal shall be brought within such time, and in such manner as regards the form and transmission of the appeal, as may be prescribed by any rules of procedure made by the Supreme Court.

As regards matters not provided for by such rules, the procedure on appeal in the Supreme Court may be the same as the ordinary procedure of that Court on appeal, and the order of that Court on the appeal shall be certified under its seal to the High Court, which shall give effect thereto.

An appeal from an order of the Supreme Court on appeal shall lie to Her Majesty in Council in the same manner and on the same conditions as appeals from the judgment of the Supreme Court in its ordinary jurisdiction.

The High Court may, before deciding any matter when the amount or value in dispute exceeds 100*l.*, state a case in writing for the opinion of the Supreme Court. The High Court shall decide the matter in accordance with the opinion of the Supreme Court, and no appeal shall be brought against such decision unless by leave of the Supreme Court.

The jurisdiction conferred by this Order upon the Supreme Court shall not be exercised until the Legislature of the Colony shall, by resolution or otherwise, have expressed its assent thereto; the High Commissioner shall communicate such assent to the High Court.

36. There shall also be Magistrates' Courts, with jurisdiction over all persons within the districts assigned to them. A Magistrates' Court shall be a Court of Record, and shall have jurisdiction over the same matters, and to the same extent, as a Court of Resident Magistrate in the Colony has jurisdiction within the district in which it is established.

37. The Company may from time to time determine the number of Magistrates' Courts required within the limits of this Order, and, by Notice in the Gazette, assign to each such Court the local limits of the district within which it is to have jurisdiction, and may alter such limits. The Company by the like Notice may fix the places at which the Court is to be held, and, with the approval of the High Commissioner, may appoint a Magistrate to each such Court, and, if occasion requires, an Acting Magistrate, and every person so appointed may exercise all the jurisdiction of the Court. A Magistrate appointed to one Court may exercise the jurisdiction of any other Court if present therein.

38. A Magistrate upon appointment by the Company may forthwith enter upon the duties of his office, but the appointment

subject to confirmation by a Secretary of State; if such confirmation is refused, the High Commissioner shall give public notice thereof in the Gazette, and thereupon the powers of the Magistrate will cease. A Magistrate may at any time be removed from office by a Secretary of State, or by the Company with the approval of a Secretary of State.

39. A Magistrate, before exercising any of the functions of his office, shall in open Court take the following oath:—

“I, A.B., do promise and swear that I will faithfully, impartially, and diligently execute to the best of my abilities the duties of the office of Magistrate. So help me God.”

40. Appeals shall lie to the High Court from the Magistrates' Courts in the same cases, in the same manner, and with the same procedure as are allowed in the Colony with respect to appeals from the Courts of Resident Magistrates; and any criminal case which would be liable to review if tried by a Resident Magistrate in the Colony shall be liable to review by the High Court.

41. The High Commissioner may suspend a Judge or Magistrate from his office for misconduct; but shall first cause him to be furnished with a written statement of the acts of misconduct alleged against him, and cause him to be called on to state in writing by a given day (which shall allow a reasonable interval) any grounds upon which he relies to exculpate himself. If the suspension takes place, the High Commissioner shall forthwith transmit a full report of the matter, and the proofs of the alleged misconduct, to a Secretary of State, who may confirm or disallow the suspension. If confirmed, the suspended officer is thereby removed from office; if disallowed, the suspended officer is thereby restored to office, and is entitled to any salary that has been withheld during his suspension.

42. If the Secretary of State is of opinion that the officer deserves punishment, but not the extreme penalty of removal from office, he may, instead of disallowing the suspension, direct that the officer be restored to office, but be required to serve at a reduced salary, either permanently or for a stated period; or that a specific sum be deducted from any salary due or to become due to the officer; or that he be transferred to a lower office.

43. The High Commissioner by Proclamation, or the Company by Ordinance approved by a Secretary of State, may make such other or further provisions as from time to time may appear desirable to secure the more efficient working of the several Courts constituted by this Order.

Part IV.—*Land Commission.*

44. A Land Commission is hereby constituted, consisting of a Judicial Commissioner and two other Commissioners.

45. The Judicial Commissioner shall be the Judge, or if at any time there be more than one Judge of the High Court, then such Judge as the High Commissioner shall from time to time appoint under his hand and seal.

46. One of the Commissioners other than the Judicial Commissioner shall be selected by a Secretary of State and one by the Company, and both shall be appointed by the High Commissioner under his hand and seal.

47. If a vacancy occurs in the office of any such other Commissioner by death, resignation, incapacity, or otherwise, the High Commissioner may, under his hand and seal, appoint some other person to fill such vacancy. But such person shall be selected either by a Secretary of State or by the Company, by whichever the person creating the vacancy was selected.

48. The said other Commissioners shall continue in office until a Secretary of State, after consultation with the Company, shall see fit to direct the High Commissioner to revoke their powers. The High Commissioner may revoke the powers of such Commissioners by Notice published in the Gazette. Upon the publication of such Notice, the powers and duties of the Land Commission shall become vested in and exercisable by the Judicial Commissioner alone.

49. The Land Commission shall deal with all questions relating to the settlement of natives on the lands in that part of the territories within the limits of this Order which is known as Matabeleland. It shall without delay assign to the natives inhabiting Matabeleland land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs or permanent water. It shall also direct the Administrator to deliver to them cattle sufficient for their needs; and the Administrator shall give effect to such direction.

50. The Land Commission shall cause sufficient notices to be given to all persons interested in any matter coming before the Commission, so that all persons concerned may be fully heard. The Land Commission shall keep a full record of its proceedings; and in other respects may conduct its proceedings according to rules laid down by itself and published in the Gazette.

51. The Company shall retain the mineral rights in all land assigned to natives. If the Company should require any such land for the purpose of mineral development or as sites of townships, or for railways or other public works, the Land Commission, upon application by the Company and upon good and sufficient cause shown, may order the natives to remove from such land or any portion thereof, and shall assign to them just and liberal compensation in land elsewhere situate in as convenient a position

possible, sufficient and suitable for their agricultural and pastoral requirements, containing a fair and equitable proportion of springs or permanent water, and, as far as possible, equally suitable for their requirements in all respects as the land from which they are ordered to remove.

52. No natives shall be removed from any kraal or from any land assigned to them for occupation, except after full inquiry by, and by order of, the Land Commission. If any person without such order removes or attempts to remove any native from any kraal or from any land unless in execution of the process of a competent Court, he shall, in addition to any other proceedings to which he is liable, be guilty of an offence against this Order, and on conviction before the High Court shall be liable to imprisonment with or without hard labour for any period not exceeding two years, or to a fine not exceeding 100*l.*, or to both.

53. The Land Commission may if it thinks fit appoint in any Magisterial district a subordinate Tribunal to be called the District Land Court, to consist of the Magistrate of the district and two assessors selected by the Land Commission. The District Land Courts shall report or make recommendations to the Land Commission upon all questions remitted to them by that Commission. The Land Commission may deal with such reports or recommendations as it thinks fit.

54. The Land Commission shall forward to the High Commissioner, for transmission to a Secretary of State, a report upon every case dealt with by it; and the Secretary of State may review any case, and reverse or modify any decision given or order made by the Land Commission, and may give such directions in the matter as he thinks fit to give, and the Land Commission shall give effect to such directions. Such directions shall, however, only be binding in cases in which the Secretary of State has, within twelve months after receiving the report of the Land Commission, given notice to the High Commissioner that he intends to review the case.

Part V.—*Judicial Notice ; Commencement.*

55. Judicial notice shall be taken of this Order and of the commencement thereof, and of any Ordinance made under this Order and published in the Gazette.

56. This Order shall be published in the Gazette, and shall thereupon commence and come into operation; and the High Commissioner shall give directions for the publication of this Order at such places and in such manner, and for such time or times, as he thinks proper for giving due publicity thereto within the limits of this Order.

57. Her Majesty may from time to time revoke, alter, add to, or amend this Order.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, applying certain sections of "The Colonial Courts of Admiralty Act, 1890," to Consular Courts to which Vice-Admiralty Jurisdiction has been assigned by Order in Council.—Osborne, August 7, 1894.

At the Court at Osborne House, Isle of Wight, the 7th day of August, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Christian.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Henry Ponsonby.

Earl Spencer.

Sir John Cowell.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction in the countries and places named in the Schedule to this Order;

And whereas by "The Colonial Courts of Admiralty Act, 1890,"* it is enacted that Her Majesty in Council may from time to time make Orders for the purposes authorized by that Act;

And whereas by the said Act Her Majesty in Council may by Order direct that that Act shall, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, apply to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order, as if that Court were a Colonial Court of Admiralty, and to provide for carrying into effect such application:

Now, therefore, Her Majesty, in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890,"† and the said recited Act in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

1. The following enactments of "The Colonial Courts of Admiralty Act, 1890," that is to say, section 2, sub-sections (2) to (4), section 5, section 6, and section 16, sub-section (3), shall apply to every Court which has been established by Her Majesty

* Vol. LXXXII, page 672.

† Vol. LXXXII, page 656.

under any Order in Council relating respectively to the countries and places named in the Schedule to this Order, and to which Vice-Admiralty jurisdiction has been assigned by Order in Council, as if such Court were in the said sections mentioned in lieu of a Colonial Court of Admiralty, and as if such countries and places respectively were referred to in the said sections in lieu of a British possession.

2. For the purposes of this Order the expressions "judgment" and "appeal" shall, in the enactments of the recited Act hereby applied, have the same respective meanings as are assigned thereto in section 15 of that Act.

3. This Order may be cited as "The Consular Courts (Admiralty) Order in Council 1894."

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

And whereas the immediate operation of this Order is urgent, this Order shall come into operation forthwith.

C. L. PEEL.

SCHEDULE.

China ;	Siam ;
Corea ;	Zanzibar ; and
Japan ;	Places within the limits of any local
Ottoman Empire ;	jurisdiction constituted under "The
Persian Coast ;	Africa Order in Council, 1889."

BRITISH ORDER IN COUNCIL, applying the Patents, Designs, and Trade-Marks Acts, 1883 and 1885,† to Greece.—Balmoral, October 15, 1894.*

At the Court at Balmoral, the 15th day of October, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Mr. Bryce.

WHEREAS by the provisions of "The Patents, Designs, and Trade-Marks Act, 1883," as amended by "The Patents, Designs,

* Vol. LXXIV, page 211.

† Vol. LXXVI, page 498.

and Trade-Marks (Amendment) Act, 1885," it is, amongst other things, provided :—

That if Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such State shall, subject to the conditions further provided and set forth in the said Act, be entitled to a patent for his invention, or to registration of his design or trade-mark (as the case may be) under the said Act, in priority to other applicants, and such patent or registration shall have the same date as the date of the application in such foreign State ;

And whereas it has pleased Her Majesty to make an arrangement with His Majesty the King of the Hellenes of the nature contemplated by the said Acts by and in virtue of a Declaration signed and sealed by Her Majesty's Envoy Extrordinary and Minister Plenipotentiary at Athens on the 27th day of July, 1894,* respecting trade-marks, industrial designs, and patterns, which said Declaration has for its object the determination in a more explicit manner of the text of a Treaty of Commerce and Navigation entered into between their Majesties dated the 10th day of November, 1886, and duly ratified on the 21st day of April, 1887 :†

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said first-mentioned Act, doth declare, and it is hereby declared, that the provisions of the said Acts hereinbefore specified shall apply to the following country, viz. :—

Greece.

And it is further ordered and declared that this Order shall take effect, so far as regards designs and trade-marks, at the expiration of four months from the date of this Order.

C. L. PEEL.

* Page 54.

† Vol. LXXVII, page 100.

BRITISH ORDER IN COUNCIL, applying "The Mail-Ships Act, 1891," to New South Wales, as regards the Postal Convention between Great Britain and France of August 30, 1890.†—Balmoral, October 15, 1894.*

At the Court at Balmoral, the 15th day of October, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Mr. Bryce.

WHEREAS on the 30th day of August, 1890, a Convention was made at London between Her Majesty and the President of the French Republic respecting the postal service between France and French possessions and the United Kingdom and British possessions, the terms of which Convention are set forth in the Schedule to "The Mail-Ships (France) Order in Council, 1892:"‡

And whereas the ratifications of the said Convention were exchanged on the 23rd day of March, 1891 ;

And whereas by section 8 of "The Mail-Ships Act, 1891," it is provided that an Order in Council may for the purpose of a Convention with a foreign State apply the said Act, subject to any exceptions or modifications not inconsistent with the provisions of the said Act, to any British possession, and that the said Act when so applied should, subject to those exceptions and modifications and subject as thereafter mentioned, have effect as if it were re-enacted, with the substitution of such British possession for the United Kingdom, provided that, before it should be applied to any British possession named in the Schedule to the said Act, the Government of such possession should have adhered to the Convention ;

And whereas the Government of New South Wales, one of the British possessions named in the Schedule to the said Act, has adhered to the said Convention ;

And whereas it is expedient that the said Act should, for the purpose of the said Convention, apply to New South Wales, subject to the exceptions and modifications in this Order contained :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Mail-Ships Act, 1891," or otherwise in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

* Vol. LXXXIII, page 125.

† Vol. LXXXII, page 91.

‡ Vol. LXXXIV, page 277.

1. "The Mail-Ships Act, 1891," shall, for the purpose of the said Convention, apply to New South Wales, subject, however, to the provisions of section 8 of the said Act, and also to the exceptions and modifications following, that is to say :—

(1.) The expression "officer of customs" shall mean an officer of the Customs Department of New South Wales.

(2.) In lieu of sub-sections (1) and (2) of section 7 of the said Act the following provisions shall be substituted, that is to say : Every offence may be prosecuted and every fine may be recovered by action or other legal proceedings in any Court of New South Wales competent to impose fines, but any fine imposed by a Court of inferior or limited jurisdiction shall not exceed either the amount authorized by the said Act or the amount of fine which the Court may impose in the exercise of its ordinary jurisdiction, whichever of the said amounts shall be the less ; and there shall be the same right of appeal (if any) against any such fine as in other cases of fines imposed by the same Court in the exercise of its ordinary jurisdiction ; and every Court, whether of original or appellate jurisdiction, may reduce the amount of any fine.

(3.) The regulations required to be made under sub-section (4) of section 7 of the said Act by the Commissioners of Customs, with the consent of the Treasury, shall in New South Wales be made by the Governor in Council.

(4.) Section 5 of the said Act, so far as relates to the Commissioners of Customs, shall not apply to New South Wales.

2. The said Act shall apply as regards any public ship of the French Republic, when employed as a mail-ship in the cases authorized by Article V of the said Convention.

3. This Order may be cited as "The Mail-Ships (France) Order in Council (New South Wales), 1894."

C. L. PEEL.



BRITISH ORDER IN COUNCIL, applying the Trade-Marks Acts, 1883 to 1888, to Denmark and the Faroe Islands.—Windsor, November 20, 1894.

At the Court at Windsor, the 20th day of November, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Henry of Battenberg.

Lord President.

Lord Justice Rigby.

Earl Spencer.

Sir Julian Pauncefote.

Earl of Kimberley.

WHEREAS Her Majesty was pleased by an Order in Council dated the 26th day of June, 1884,* and by various subsequent Orders, to declare that certain provisions of "The Patents, Designs, and Trade-Marks Act, 1883,"† should apply to the several countries and Colonies mentioned in such Orders:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said Act, doth declare, and it is hereby declared, that the provisions of the said Act hereinbefore referred to as amended by "The Patents, Designs, and Trade-Marks (Amendment) Act, 1885,"‡ "The Patents Act, 1886,"§ and "The Patents, Designs, and Trade-Marks Act, 1888,"|| shall also apply to the following country, viz., Denmark, including the Faroe Islands.

And it is hereby further ordered and declared that this Order shall take effect, so far as regards patents at the expiration of seven months, and so far as regards designs and trade-marks at the expiration of four months from the date of this Order.

C. L. PEEL.

* Vol. LXXV, page 578.

† Vol. LXXIV, page 211.

‡ Vol. LXXVI, page 498.

§ Vol. LXXVII, page 965.

|| Vol. LXXIX, page 824.

ORDINANCE of the Government of Trinidad and Tobago, to make Special Provision with regard to the Extradition of Fugitive Criminals from French Guiana.

[No. 11.]

[April 9, 1894.]

WHEREAS it is expedient to make special provision with regard to the extradition of fugitive criminals from French Guiana :

Be it enacted by the Governor of Trinidad and Tobago, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited for all purposes as “The French Guiana Extradition Ordinance, 1894.”

2. In this Ordinance—

The term “Governor of French Guiana” means the officer for the time being administering the government of French Guiana;

The term “Extradition Acts” means the Extradition Acts of 1870* and 1873,† and includes any Act of Parliament hereafter to be passed relating to the extradition of persons accused or convicted of crime ;

The term “fugitive criminal” means any person accused or convicted of any crime in respect of which extradition may be lawfully granted under the provisions of any Order in Council applying the Extradition Acts who may be lawfully surrendered under the provisions of any Order in Council applying the said Acts, as regards the Colonies and foreign possessions of France ;

The term “Colony” means the Colony of Trinidad and Tobago.

3. Any commissioned or non-commissioned officer of police or police constable of the police force of Trinidad or Tobago may arrest and detain any person whom there is reasonable cause to suspect of being a fugitive criminal from French Guiana.

Every person so arrested and detained shall be brought before a Stipendiary Justice of the Peace as soon after the arrest as may be practicable.

If it appears from the evidence adduced to the Stipendiary Justice of the Peace before whom such person is brought that there is reasonable cause to suspect that such person is a fugitive criminal from French Guiana, it shall be lawful for such Stipendiary Justice of the Peace to call upon such person to declare—

(a.) His name and the country to which he belongs or is subject ;

(b.) The port or place from whence he came ;

(c.) The vessel by which, and the day on which, he arrived in the Colony ;

* Vol. LX, page 145.

† Vol. LXIII, page 391.

And, for the purpose of identification, to order such person to be photographed.

If such person fails to make it appear to the satisfaction of such Stipendiary Justice of the Peace that he is not a fugitive criminal from French Guiana, the Stipendiary Justice of the Peace shall thereupon order that such person shall be detained in custody until the Governor's pleasure be known, and shall thereupon issue his order of detention, which may be in the form of the Schedule to this Ordinance or in such other form as the circumstances may require.

The person referred to in any such Order may be detained in custody thereunder for any period not exceeding three months, but for no longer period; and may during such period be detained in any prison, police-station, or convenient place, and may from time to time be removed from any one place to any other by order of the Inspector-General of Police or any Stipendiary Justice of the Peace.

Where several persons whom there is reasonable cause to suspect of being fugitive criminals from French Guiana arrive in the Colony together, it shall not be necessary to take separate proceedings under this section against each such person, but the proceedings may be against all at the same time, and the order of detention of the Stipendiary Justice of the Peace may apply to any or all of such persons whom there is reasonable cause to suspect of being such fugitive criminals.

The Inspector-General shall cause the Stipendiary Justice of the Peace to be furnished with a full description in writing of each person brought before such Justice under this section.

Where a Stipendiary Justice of the Peace makes an order of detention under this section, he shall forthwith transmit a description of the persons therein mentioned, with a copy of the proceedings and order, to the Colonial Secretary, for the information of the Governor.

The Governor may at any time order any person referred to in such order to be released from custody.

4. Where requisition is made for the extradition of any person who is detained in custody under the provisions of this Ordinance, the same proceedings in all respects shall be taken as if such person were not so detained.

5. Where requisition is made by the Governor of French Guiana for the surrender of a fugitive criminal, the Governor may, by order under his hand, signify to the Stipendiary Justice of the Peace of Port-of-Spain or Scarborough, as the case may be, that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal, and there-
----- the Stipendiary Justice of the Peace of Port-of-Spain or

Scarborough, as the case may be, if the fugitive criminal is brought before him, shall hear the case, and shall have the like jurisdiction and powers as are given to the Stipendiary Magistrates under the Extradition Acts.

If the Stipendiary Justice of the Peace of Port-of-Spain or Scarborough, as the case may be, commits any such fugitive criminal to prison, there to await the warrant of the Governor for the surrender of such fugitive criminal, he shall forthwith send to the Governor a certified copy of all the proceedings, together with the photograph of such fugitive criminal, a certificate of the committal, and such report upon the case as he may think fit.

6. Where the Governor of French Guiana makes requisition for the extradition of a fugitive criminal and transmits properly authenticated documents describing the person for whom such requisition is made, but is unable, from quarantine regulations or other causes, to dispatch any officer to identify or receive such fugitive criminal, the following procedure shall be lawful, that is to say:—

Where the person who is suspected to be such fugitive criminal is brought before the Stipendiary Justice of the Peace of Port-of-Spain or Scarborough, as the case may be, it shall be lawful for such Stipendiary Justice, if satisfied, either from the description stated in such authenticated documents or otherwise, that the person brought before him is the person for whose extradition requisition has been made, and that such person is a convicted and fugitive criminal from French Guiana, to commit such person to prison, there to await the warrant of the Governor for his surrender; and no evidence that the Governor of French Guiana is unable to dispatch any such officer shall be necessary.

Where the Governor is satisfied that any person in custody is a fugitive criminal from French Guiana, and for whose extradition requisition has been made, and that such criminal ought to be surrendered under the provisions of any Order in Council applying the Extradition Acts, it shall be lawful for the Governor, on the application of any person recognized as the Consular Agent of France in the Colony, after the expiration of the period required by the Extradition Acts, to authorize and direct the Inspector-General of Police, or any Inspector of Police, to convey such fugitive criminal and cause him to be placed on board any vessel proceeding to French Guiana.

7. Any extract purporting to be an extract from any register of convicted criminals in French Guiana, giving a description of the criminal, and stating the particulars of conviction, the crime of which the criminal was convicted, the sentence passed on the convicted criminal, and the date thereof, or stating any of such part

culars, if authenticated by a seal purporting to be the seal of the Governor of French Guiana, may be received in any proceedings relating to the extradition of any person alleged to be a fugitive criminal from French Guiana as *prima facie* evidence of all the facts therein set forth.

8. The provisions of this Ordinance shall apply whether the person proceeded against arrived in the Colony before or after the commencement of this Ordinance.

9. This Ordinance shall come into operation and take effect only after Her Majesty may be pleased, by Order in Council,* to direct that this Ordinance shall have effect in the Colony, and on and after such Order in Council has been published in the "Royal Gazette."

Passed in Council this 9th day of April, in the year of Our Lord 1894.

CHAS. E. ROOKES, *Acting Clerk of the Council.*

SCHEDULE.

Form of Order of Detention.

WHEREAS it appears to me that there is reasonable cause to suspect that is a fugitive criminal [or are fugitive criminals] from French Guiana, I do hereby order that he [or they] be detained in custody until the Governor's pleasure be known.

Given under my hand, this day of , 189 .

E. F., *Stipendiary Justice of the Peace.*

BRITISH ORDER IN COUNCIL, giving effect to the Ordinance of the Government of Trinidad of April 9, 1894, respecting the Extradition of Fugitive Criminals from Trinidad to French Guiana.—Windsor, November 20, 1894.

At the Court at Windsor, the 20th day of November, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Henry of Battenberg.

Lord President.

Lord Justice Rigny.

Earl Spencer.

Sir Julian Pauncefoot.

Earl of Kimberley.

WHEREAS by section 18 of "The Extradition Act, 1870,"† it is among other things enacted that if, by any law made after the

* See Order in Council of November 20, 1894, on this page.

† Vol. LX, page 145.

passing of the said Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order in Council applying the said Act in the case of any foreign State, or by any subsequent Order, either—

Suspend the operation within any such British possession of the said Act, or of any part thereof, so far as it relates to such foreign State, and so long as such Law continues in force there and no longer ;

Or direct that such Law or Ordinance or any part thereof shall have effect in such British possession, with or without modifications and alterations, as if it were part of the Act ;

And whereas on the 9th day of April, 1894, an Ordinance was enacted by the Legislature of Trinidad whereby provision is made with regard to the extradition of fugitive criminals from French Guiana ;*

And whereas it is provided by the said Ordinance that the said Ordinance shall come into operation and take effect only after Her Majesty shall by Order in Council direct that the said Ordinance shall have effect within the Colony, and after such Order in Council shall have been published in the Official Gazette :

Now, therefore, Her Majesty, in pursuance of " The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said Ordinance shall have effect in the Colony of Trinidad without modification or alteration, as if it were part of " The Extradition Act, 1870."

And the Most Honourable the Marquess of Ripon, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, respecting Extradition from the Straits Settlements to Foreign States (Definition of the expression "Minister of State").—Windsor, December 12 1894.

At the Court at Windsor, the 12th day of December, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Steward.

Mr. Arnold Morley.

Marquess of Ripon.

Sir John Thompson.

Mr. Secretary Fowler.

WHEREAS by an Order in Council dated the 19th day of August, 1889,* provision has been made for the surrender by the Governor of the Straits Settlements to foreign States, in the case of which "The Extradition Act, 1870,"† does not apply, of persons accused or convicted of the commission of certain crimes and offences within the jurisdiction of such States;

And whereas it is expedient to amend the said Order:

Now, therefore, it is hereby ordered by Her Majesty by and with the advice of her Privy Council, as follows:—

1. The said Order and this Order shall be read and construed as one Order in Council.

2. In clause 13 of the said Order the expression "Minister of State" shall in the case of any of the protected States include any officer appointed by Her Majesty or by the Governor as British Resident or Superintendent or Secretary to the Government in such State.

C. L. PEEL.

ACT of the Canadian Legislature, respecting a Treaty between Her Britannic Majesty and the President of the French Republic for regulating the Commercial Relations between Canada and France.

[57 & 58 Vict., c. 2.]

— [Assented to, July 23, 1894.]

WHEREAS on the 6th day of February, 1893, an Agreement or Treaty for the purpose of facilitating and extending commercial relations between Canada and France was entered into by Plenipotentiaries appointed by Her Majesty and by the President of the French Republic;

And whereas by the said Treaty it is provided that it shall receive the sanction of the Parliament of Canada before it is ratified;

And whereas it is expedient to make provision for that purpose;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. This Act may be cited as “The French Treaty Act, 1894.”

2. The Treaty of the 6th day of February, 1893, which is set forth in Schedule (A) to this Act, is hereby sanctioned.

3. It is hereby declared that the duties of customs mentioned in Article I of the said Treaty as existing on the 6th day of February, 1893, on the several articles therein mentioned, were on that date as set forth in Schedule (B) to this Act; and the reduction of the duties then existing, as agreed upon in the said Article, shall take effect immediately upon the coming into force of this Act.

4. This Act shall not have force or effect until a day to be named by Proclamation of the Governor-General; and if the said Treaty ceases to be binding on Canada, this Act shall cease to be of any effect on and after a day to be named by Proclamation of the Governor-General.

SCHEDULE (A).

Treaty of February 6, 1893.

[Vol. LXXXV, page 28.]

SCHEDULE (B).

NON-SPARKLING wines, containing 26 per cent. or less of proof spirits, whether imported in wood or in bottles (six quart or twelve pint bottles to be held to contain a gallon), 25 cents per gallon, and for each degree of strength in excess of 26 per cent. of spirits as aforesaid, an additional duty of 3 cents per gallon until the strength reaches 40 per cent. of proof spirits; and in addition thereto, 30 per cent. *ad valorem*.

Sparkling wines, in bottles containing each not more than a quart but more than a pint, 3 dol. 30 c. per dozen bottles: containing not more than a pint each but more than one-half pint, 1 dol. 65 c. per dozen bottles; containing one-half pint each or less, 82 cents per dozen bottles; bottles containing more than one quart each shall pay, in addition to 3 dol. 30 c. per dozen bottles, at the rate of 1 dol. 65 c. per gallon on the quantity in excess of one quart per bottle, the quarts and pints in each case being old wine measure; in addition to the above specific duty there shall be an *ad valorem* duty of 30 per cent.

Castile soaps, 2 cents per lb.; nuts, *n.e.s.*, 3 cents per lb.; almonds, shelled, 5 cents per lb.; almonds, not shelled, 3 cents per lb.; prunes, 1 cent per lb.; plums, 20 cents per bushel.

*BRITISH COMMISSION appointing the Governor or the Officer administering the Government of the Cape of Good Hope to be Governor of certain British Possessions in South Africa known as East and West Pondoland, and providing for the government of those Territories.—London, April 3, 1894.**

(L.S.) *VICTORIA, R.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To our Governor and Commander-in-chief or officer for the time being administering the Government of our Colony of the Cape of Good Hope, in South Africa, with its territories and dependencies, greeting.

WHEREAS certain territories in South Africa, commonly known as East and West Pondoland, are now part of our dominions, and it is expedient to provide for the government of the said territories:

Now know you that we do, by this our commission under our Sign-Manual and Signet, nominate and appoint you our Governor and Commander-in-chief in and over our said Colony of the Cape of Good Hope, or the officer for the time being administering the Government thereof, to be our Governor of the said territories.

And we do hereby empower, require, and enjoin you in our name, and on our behalf, to make by Proclamation such laws as may to you appear necessary for the peace, order, and good government of the said territories, and to appoint such officers and Magistrates, and generally to take all such measures and to do all such matters and things as you may think expedient for the like peace, order, and good government.

Given at our Court at St. James', this 3rd day of April, 1894, in the 57th year of our reign.

By Her Majesty's command,

RIPON.

* Notified in the "London Gazette" of April 13, 1894.

*BRITISH LETTERS PATENT, for the Annexation to the Colony of the Cape of Good Hope of the British Possession of Pondoland, comprising the Territories of East and West Pondoland.—Westminster, June 7, 1894.**

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To all to whom these presents shall come, greeting.

WHEREAS it is expedient that our possession of Pondoland in South Africa, comprising the territories of East Pondoland and West Pondoland, should be annexed to and form part of our Colony of the Cape of Good Hope;

And whereas the Legislative Council and House of Assembly of our said Colony have expressed their desire for such annexation, and have, on the 21st day of May and the 25th day of May, 1894, passed the following Joint Resolution:—

“That in the opinion of this House it is expedient that the country known as Pondoland, comprising the territories of East and West Pondoland, which have been ceded by the Chiefs Sigcau and Nquilisio, should be annexed to this Colony, and that the Government take such steps as may be necessary to effect such annexation:”

Now we do, by these our Letters Patent, under the Great Seal of our United Kingdom of Great Britain and Ireland, authorize our Governor for the time being of our said Colony of the Cape of Good Hope, by Proclamation under his hand and the public seal of the said Colony, to declare that, from and after a day to be therein mentioned, the said possession shall be annexed to and form part of our said Colony. And we do hereby authorize and direct our said Governor to determine, and by Proclamation to signify, the limits of the said possession so annexed.

2. And we do hereby further direct our said Governor not to issue any such Proclamation as aforesaid until the Legislature of our said Colony of the Cape of Good Hope shall have passed a law providing that the said possession shall, on the day aforesaid, become part of our said Colony, and subject to the laws in force therein: Provided always that the application of the said laws to the said possession may be modified either by such Proclamation as aforesaid, or by any law or laws to be from time to time passed by the Legislature of our said Colony for the government of the said possession so annexed.

* Notified in the “London Gazette” of June 12, 1894.

3. And we do hereby reserve to us, our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

4. And we do further direct and enjoin that these our Letters Patent shall be read and proclaimed at such place or places as our said Governor shall think fit within our said Colony of the Cape of Good Hope.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 7th day of June, in the 57th year of our reign.

By Warrant under the Queen's Sign-Manual.

MUIR MACKENZIE.

*NOTIFICATION of the British Protectorate over Uganda.—
London, June 18, 1894.**

Foreign Office, June 18, 1894.

It is hereby notified, for public information, that under and by virtue of the Agreement concluded on the 29th May, 1893,† between the late Sir G. Portal and Mwanga, King of Uganda, the country of that Ruler is placed under the Protectorate of Her Majesty the Queen.

This Protectorate comprises the territory known as Uganda proper, bounded by the territories known as Usoga, Unyoro, Ankoli, and Koki.

*BRITISH NOTIFICATION of the Date of the coming into
force of "The North Sea Fisheries Act, 1893.‡—London,
April 11, 1894.§*

WHEREAS by section 10 of "The North Sea Fisheries Act, 1893," it is (amongst other things) enacted as follows:—

"This Act shall come into force on such a day as may be fixed by a Notice in that behalf published in the 'London Gazette.'"

Notice is hereby given that the day fixed for the said Act to come into force is the 23rd day of May, 1894.

Board of Trade, April 11, 1894.

COURTENAY BOYLE, *Secretary to the Board of Trade.*

* "London Gazette," June 19, 1894.

† Vol. LXXXV, page 83.

‡ XV, page 1258.

§ "London Gazette," April 13, 1894.

*BRITISH NOTIFICATION respecting the Presentation by British Subjects of Claims arising out of the Civil War in Chile of 1891.—London, September 24, 1894.**

Foreign Office, September 24, 1894.

WHEREAS there was concluded between Her Majesty and the President of the Chilean Republic, on the 26th September, 1893, a Convention for the settlement, by means of a Tribunal of Arbitration, of the claims of British subjects arising out of the civil war in Chile of 1891.

The Articles of the Convention are as follows :—

[Here follow Articles I to XI of the Convention. See Vol. LXXXV, page 22.]

And whereas the ratifications of the said Convention were exchanged at Santiago on the 24th April, 1894 :

Notice is hereby given that the aforesaid Tribunal of Arbitration will sit at Santiago on or about the 24th October next, and that the claims of British subjects arising out of the said civil war must be lodged at the British Legation at Santiago within six months of the date of the first meeting of the Tribunal of Arbitration.

NOTIFICATION of the Accession of Western Australia to the International Telegraph Convention of July 22, 1875.†—London, January 24, 1894.

The Earl of Rosebery to the French Ambassador.

M. L'AMBASSADEUR, *Foreign Office, January 24, 1894.*

I HAVE the honour to inform your Excellency that the Colony of Western Australia desires to accede to the International Telegraph Convention of the 22nd July, 1875.‡

I beg leave at the same time to suggest that the Colony in question should be placed in the 6th class of the States contributing to the expenses of the International Office under the Regulations annexed to the Convention.

* "London Gazette," September 25, 1894.

† Vol. LXVI, page 19.

‡ Date of accession, January 1, 1894.

In requesting your Excellency to be good enough to take note of this accession,* I have, &c.

M. Decrais.

ROSEBERRY.

SWISS NOTIFICATION of the Accession of the Colony of the Cape of Good Hope to the Universal Postal Union Convention of July 4, 1891.†—Berne, December 21, 1894.

M. LE MINISTRE,

Berne, le 21 Décembre, 1894.

NOUS avons l'honneur d'informer votre Excellence que, par note du 17 courant, la Légation Britannique à Berne nous a fait savoir, en conformité de l'Article XXIV de la Convention Postale Universelle,† que la Colonie Britannique du Cap de Bonne-Espérance a déclaré adhérer à l'Union Postale Universelle à partir du 1^{er} Janvier, 1895.

En conséquence, nous avons l'honneur de notifier cette adhésion à votre Excellence, conformément à l'Article précité, et d'ajouter—

(a.) Que cette adhésion se borne à la Convention Postale Universelle (Convention Principale) et ne s'étend pas aux autres Actes conclus par le Congrès de Vienne;

(b.) Que l'Office des Postes du Cap de Bonne-Espérance percevra comme équivalents prévus par l'Article IV du Règlement pour l'exécution de la Convention Principale :—

Pour 25 centimes	:	2½ pence.
„ 10 „	:	1 penny.
„ 5 „	:	½ penny.

(c.) Que, en ce qui concerne la participation aux frais du Bureau International, la Colonie du Cap de Bonne-Espérance est comprise dans l'ensemble des autres Colonies et Protectorats Britanniques moins le Canada, conformément au § 5 de l'Article XXXII du Règlement mentionné à la lettre (b) ci-dessus.

Nous saisissons, &c.,

E. FREY, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

* M. Decrais stated on the 28th February, 1894, that the French Government had taken note of this accession.

ORDER of Her Britannic Majesty's Secretary of State for Foreign Affairs, applying to the Niger Coast Protectorate the Gold Coast Ordinance of 1892, respecting Arms, Ammunition, &c., with certain amendments.—London, April 8, 1894.*

IN pursuance of Article 15 of "The Africa Order in Council, 1889,"† I do hereby order that the Ordinance of the Gold Coast Colony, intituled "The Fire-arms, Ammunition, and Gunpowder Ordinance, 1892," modified and adapted as appears in the copy annexed hereto, shall have effect and be administered in the Niger Coast Protectorate, and shall be intituled "The Niger Coast Fire-arms Ordinance, 1894."

A copy of this Order and of the annexed Ordinance shall be forthwith publicly exhibited in the Consular Office of the Protectorate.

Foreign Office, April 8, 1894.

KIMBERLEY.

ORDINANCE to carry out the General Act of the Brussels Conference, 1890,‡ and to regulate the Importation into, and the Storage and Disposal of Fire-arms and Ammunition in, the Niger Coast Protectorate.

Preliminary.

1. THIS Ordinance may be cited as "The Niger Coast Fire-arms Ordinance, 1894."

2. This Ordinance shall commence and come into operation on such day after it is publicly exhibited in the office of the Consulate as shall be fixed by Her Majesty's Commissioner and Consul-General.

3. For the purpose of this Ordinance the following terms shall, unless a contrary intention appears, have the following meanings, that is to say:—

"The Commissioner" means Her Majesty's Commissioner and Consul-General for the Niger Coast Protectorate, and shall include any person for the time being administering the Government of the Protectorate.

"Deputy Commissioner" shall mean the Deputy Commissioner or Vice-Consul appointed to a district.

* Vol. LXXXIV, page 378.

† Vol. LXXXI, page 301.

‡ Vol. LXXXII,

"Fire-arms" includes any cannon, gun, rifle, machine-gun, or other fire-arm, whether whole or in detached pieces.

"Ammunition" includes gunpowder, cartridges, balls, caps, and all other materials for loading fire-arms.

"Public warehouse" means any place or building which the Commissioner by Proclamation shall appoint for the storage or deposit of fire-arms and ammunition imported into the Protectorate.

"Store" includes house, shop, and every other building.

"Ship" includes every description of vessel used in navigation.

"Master" includes every person having or taking charge or command of a ship.

Importation of Fire-arms and Ammunition.

4. All fire-arms and ammunition lawfully imported by sea into the Niger Coast Protectorate shall be deposited at the cost, risk, and peril of the person or persons importing the same in a public warehouse, as defined by this Ordinance.

5. Fire-arms or ammunition shall not, except in accordance with a licence under this Ordinance, be imported into the Protectorate by land, and any person acting in contravention of this section shall be guilty of an offence against this Ordinance.

6. The Commissioner or Deputy Commissioner may grant licences for the introduction by land of specified fire-arms or ammunition—

(1.) To persons affording sufficient guarantees that the fire-arms or ammunition in question will not be given, assigned, or sold to third persons.

(2.) To travellers provided with a declaration of their Government, stating that the fire-arms or ammunition are destined exclusively for their personal defence.

If such fire-arms or ammunition are not exported from the Protectorate within one week after reaching the coast, they shall be deposited in a public warehouse subject to the provisions of this Ordinance.

7. No fire-arms or ammunition shall be withdrawn from a public warehouse except on the written authority of the Deputy Commissioner of the district. Any person delivering or withdrawing any fire-arms or ammunition from a public warehouse without such authority shall be guilty of an offence against this Ordinance.

8. The Deputy Commissioner shall not authorize the withdrawal for sale from a public warehouse of any fire-arms or ammunition other than flint-lock guns with unrifled barrels and common gunpowder, 'trade powder, and the Deputy Commissioner

shall, in authorizing any such withdrawal, specify the number of guns and the quantity of gunpowder to be withdrawn, and also the store or dépôt within the Protectorate in which such flint-lock guns and such common gunpowder may be kept, and the district or regions in which the same may be sold.

No district or region in which the Slave Trade is for the time being rife shall be included in any such authorization.

Any person so authorized to withdraw flint-lock guns or common gunpowder out of any public warehouse shall at the end of every six months, commencing from the date of such authority, submit to the Deputy Commissioner, for transmission to the Commissioner, detailed lists indicating the destinations of the fire-arms and gunpowder sold, as well as the quantities still remaining in his store.

Whosoever shall remove from a public warehouse for sale any fire-arms or ammunition other than flint-lock guns or common gunpowder, or shall, without the proper authority, remove any such fire-arms or ammunition as under this section may be authorized to be removed for sale, or shall sell fire-arms and ammunition authorized to be removed for sale, in any district or region other than a district or region specified in such authority, or shall contravene any of the provisions of this section, shall be guilty of an offence against this Ordinance.

9. The Commissioner may, notwithstanding the provisions of this Ordinance, take such measures as he thinks fit for importing, storing, and issuing fire-arms and ammunition for the use of the troops or police or other public force, or otherwise, for the protection of the Protectorate and its inhabitants.

10. The Commissioner or Deputy Commissioner shall not be required to authorize the withdrawal from a public warehouse of any arms of precision, such as rifles, magazine-guns, or breech-loaders, whether whole or in detached pieces, or any ammunition intended for them, except—

(1.) To persons affording sufficient guarantees that the fire-arms and ammunition delivered to them will not be given, assigned, or sold to third persons.

(2.) To travellers provided with a declaration of their Government, stating that the fire-arms and ammunition are destined exclusively for their personal defence.

All fire-arms so withdrawn in the excepted cases shall be registered and marked by the officer appointed to supervise such public warehouse, who shall deliver to the persons in question licences to bear fire-arms signed by the Commissioner or Deputy Commissioner indicating the name of the bearer, and showing the stamp with which the fire-arms are marked.

Such licences shall be in operation for two years only, but

renewed. Any person contravening the terms of this licence shall be liable, on conviction before a Deputy Commissioner, to a revocation of his licence and to a fine not exceeding 50*l*., or to imprisonment, with or without hard labour, for any period not exceeding six calendar months.

11. For the purpose of preventing fraud, all persons who at the commencement of this Ordinance are in possession of fire-arms other than flint-lock guns shall, within a time to be fixed by the Commissioner by a Proclamation, present the same to be marked to the officer appointed to supervise the public warehouses, or to such other person or persons as may be appointed by the Commissioner for the purpose. All fire-arms not so marked shall, for the purpose of this Ordinance, be deemed to have been imported into the Protectorate subsequent to the commencement of this Ordinance.

12. Notwithstanding the provisions of this Ordinance, the Commissioner may, if he thinks fit, by permit under his hand, authorize the landing and transit of fire-arms and ammunition towards inland territories under the sovereignty or Protectorate of another Power signatory of, or adhering to, the said General Act of the Brussels Conference, provided such Power have no direct access to the sea through its own territory, or, if it possesses such access, provided the same is for the time being completely interrupted.

Before granting any such permit, the Commissioner may require production to him of a Declaration from the Power having such inland possessions, certifying that the fire-arms and ammunition for which transit is demanded are not destined for sale, but are for the use of the authorities of such Power, or of the military forces necessary for the protection of the missionary or commercial stations of such Power, or of persons mentioned by name in such Declaration.

13. The Commissioner may from time to time, by Proclamation, fix the rates of rent which shall be payable in respect of any fire-arms or ammunition deposited in a public warehouse, and all such sums shall be paid to, and received by, the officer in charge of such public warehouse, and shall by him be paid at the end of every month into the Treasury of the Protectorate.

The Commissioner or Deputy Commissioner shall not be required to authorize the withdrawal of any fire-arms or ammunition in respect of which any rent is unpaid.

All sums due under this section may be recovered in a Deputy Commissioner's Court, and in default of payment the said Court may direct the amount to be levied by distress and sale of the depositor's goods, or may commit him to prison for any period not exceeding six calendar months.

14. Where any fire-arms or ammunition imported into the Protectorate is without the proper authority or licence kept in a place other than a public warehouse :

The occupier of such place (unless he can prove that the same was deposited there without his knowledge or consent), and also the owner of or other person guilty of keeping the same, shall be guilty of an offence against this Ordinance.

15. Every offence against this Ordinance shall be prosecuted in the Court of a Deputy Commissioner, and every person found guilty of such offence shall be liable to a penalty not exceeding 100*l.*, or to imprisonment, with or without hard labour, for a period not exceeding twelve calendar months, and any fire-arms or ammunition in relation to which the offence is committed shall, unless the Court otherwise directs, be forfeited to Her Majesty.

16. It shall be lawful for a Deputy Commissioner, if satisfied by information on oath that any fire-arms or ammunition is being unlawfully kept, conveyed, landed, or sold in contravention of this Ordinance at any place, whether a building or not, or in any ship or vehicle, to grant a warrant to enter at any time, and if needs be by force, on Sundays as well as on any other days, the place, ship, or vehicle named in such warrant, and every part thereof, and to examine the same, and to search for any fire-arms or ammunition unlawfully kept therein, and to demand from the owner or occupier thereof the production of his licence or authority for keeping, conveying, landing, or selling the same.

When the officer or other person executing such warrant has reasonable cause to believe that any fire-arms or ammunition, found by him in any such place, ship, or vehicle, is being kept, conveyed, landed, or sold in contravention of this Ordinance, he may seize and detain the same until the Deputy Commissioner has decided whether the same is liable to be forfeited or not.

17. Any person acting under such warrant shall not be liable to any suit for seizing or detaining any fire-arms or ammunition, subject, or presumably subject, to the provisions of this Ordinance.

18. Whosoever attempts to commit, or aids or abets in the commission of, any offence against this Ordinance, may be dealt with in the same way, and shall be liable to the same penalty, as if he were charged with the actual offence.

19. The Commissioner may frame such rules as he may consider expedient for the regulation of the landing, storage, withdrawal, or conveyance of any fire-arms or ammunition imported into the Protectorate, and from time to time alter, amend, or vary such rules. All such rules shall have the force of law, and any person contravening the same shall, on summary conviction before a ~~Deputy~~ Commissioner, be liable for every contravention to a pen-

exceeding 5 $\frac{1}{2}$ l., or to imprisonment, with or without hard labour, for a period not exceeding one calendar month.

The Commissioner may also from time to time appoint such officers and make such arrangements as may appear to him to be necessary for better carrying out of the provisions of this Ordinance.

20. Nothing in this Ordinance shall affect the provisions of section 41 of "The Niger Coast Customs Ordinance, 1894,"* and any licence granted under that section shall, notwithstanding anything in this Ordinance, have full validity and effect.

* Section 41 of "The Niger Coast Customs Ordinance, 1894."

41. If any goods enumerated or described in the following Table of Prohibitions and Restrictions shall be imported or brought within the jurisdiction contrary to the prohibitions or restrictions contained in such Table in respect thereof, then, and in every case, such goods shall be forfeited, and shall be destroyed or otherwise disposed of as the Commissioner may direct.

A Table of Prohibitions and Restrictions Inwards.

(a.) The following goods are absolutely prohibited to be imported:—

Coin, viz.:—false money, or counterfeit sterling.

Coin: silver of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Indecent or obscene prints, paintings, photographs, books, cards, lithographs or other engravings, or any other indecent or obscene articles.

(b.) The following goods are prohibited to be imported except subject to the restrictions on importation herein contained:—

Infected cattle, sheep, or other animals, and hides, skins, horns, hoofs, or any other part of cattle or other animals which the Commissioner may, by Order in Council, prohibit in order to prevent any contagious distemper.

Provisions, meat, and vegetables unfit for human food, which shall be destroyed or otherwise disposed of as the Commissioner may direct.

Machine-guns, breech-loading rifles, cannons, magazine-guns, and their cartridges, bullets, shot, or other ammunition: Provided that the Commissioner may by licence authorize any person to import and possess within the jurisdiction, for the purposes of sport or personal protection, any specified arms or ammunition. Such licence shall be in such form, and be granted on payment of such duty, for such time, and under such conditions and limitations as the Commissioner may prescribe, and may be revoked, varied, or suspended by the Commissioner.

He may think fit.

BRITISH PROCLAMATION for the Observance of Neutrality in the War between China and Japan.—Osborne, August 7, 1894.

By the Queen.

A PROCLAMATION.

VICTORIA, R.

WHEREAS we are happily at peace with all Sovereigns, Powers, and States;

And whereas a state of war unhappily exists between His Majesty the Emperor of China and His Majesty the Emperor of Japan, and between their respective subjects and others inhabiting within their countries, territories, or dominions;

And whereas we are on terms of friendship and amicable intercourse with each of these States, and with the subjects and others inhabiting within their countries, territories, or dominions;

And whereas great numbers of our loyal subjects reside and carry on commerce, and possess property and establishments, and enjoy various rights and privileges, within the territory of each of the aforesaid States, protected by the faith of Treaties between us and each of the aforesaid States;

And whereas we, being desirous of preserving to our subjects the blessings of peace which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial neutrality in the said state of war unhappily existing between the aforesaid States;

We therefore have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation;

And we do hereby strictly charge and command all our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid war, and to abstain from violating or contravening either the Laws and Statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril;

And whereas in and by a certain Statute made and passed in a Session of Parliament holden in the 33rd and 34th year of our reign, intituled "An Act to regulate the conduct of Her Majesty's subjects during the existence of hostilities between foreign States with which Her Majesty is at peace,"* it is, amongst other things, declared and enacted as follows:—

"This Act shall extend to all the dominions of Her Majesty, including the adjacent territorial waters.

* Vol. LX, page 278.

“Illegal Enlistment.”

“If any person without the licence of Her Majesty, being a British subject, within or without Her Majesty’s dominions, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign State at war with any foreign State at peace with Her Majesty, and in this Act referred to as a friendly State, or, whether a British subject or not within Her Majesty’s dominions, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign State as aforesaid—

“He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“If any person, without the licence of Her Majesty, being a British subject, quits or goes on board any ship with a view of quitting Her Majesty’s dominions, with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State, or, whether a British subject or not, within Her Majesty’s dominions, induces any other person to quit or to go on board any ship with a view of quitting Her Majesty’s dominions with the like intent—

“He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“If any person induces any other person to quit Her Majesty’s dominions, or to embark on any ship within Her Majesty’s dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State—

“He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“If the master or owner of any ship without the licence of Her Majesty knowingly either takes on board, or engages to take on board, or has on board such ship within Her Majesty’s dominions any of the following persons, in this Act referred to as illegally enlisted persons, that is to say :—

“ 1. Any person who, being a British subject, within or without the dominions of Her Majesty, has, without the licence of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State ;

“ 2. Any person, being a British subject, who, without the licence of Her Majesty, is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State ;

“ 3. Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State ;

“ Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue, that is to say :—

“ 1. The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour ; and

“ 2. Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two Justices of the Peace, or other Magistrate or Magistrates having the authority of two Justices of the Peace ; and

“ 3. All illegally enlisted persons shall, immediately on the discovery of the offence, be taken on shore, and shall not be allowed to return to the ship.

“ Illegal Shipbuilding and Illegal Expeditions.

“ If any person within Her Majesty's dominions, without the licence of Her Majesty, does any of the following acts, that is to say :—

“ 1. Builds, or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ; or

“ 2. Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ; or

"3. Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ; or

"4. Dispatches, or causes or allows to be dispatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ;

"Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue :—

"1. The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

"2. The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty :

"Provided, that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping, if he satisfies the conditions following, that is to say :—

"1. If forthwith upon a Proclamation of Neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishing such particulars of the contract, and of any matters relating to or done or to be done under the contract, as may be required by the Secretary of State.

"2. If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for insuring that such ship shall not be dispatched, delivered, or removed without the licence of Her Majesty until the termination of such war as aforesaid.

"Where any ship is built by order of or on behalf of any foreign State when at war with a friendly State, or is delivered to or to the order of such foreign State, or any person who to the knowledge of the person building is an agent of such foreign State, or is paid for by such foreign State or such Agent, and is employed in the military or naval service of such foreign State, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign State.

"If any person within the dominions of Her Majesty, and without the licence of Her Majesty—

"By adding to the number of the guns, or by changing those

on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of Her Majesty was a ship in the military or naval service of any foreign State at war with any friendly State,—

“Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“If any person within the limits of Her Majesty’s dominions, and without the licence of Her Majesty—

“Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly State, the following consequences shall ensue:—

“1. Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

“2. All ships and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to Her Majesty.

“Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.”

And whereas by the said Act, it is further provided that ships built, commissioned, equipped, or dispatched in contravention of the said Act may be condemned and forfeited by judgment of the Court of Admiralty; and that if the Secretary of State or chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within our dominions has been or is being built, commissioned, or equipped contrary to the said Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be dispatched contrary to the Act, such Secretary of State, or chief executive authority, shall have power to issue a warrant authorizing the seizure and search of such ship and her detention until she has been either condemned or released by process of law;

And whereas certain powers of seizure and detention are conferred by the said Act on certain local authorities:

Now, in order that none of our subjects may unlawfully render themselves liable to the penalties imposed by the said Act

hereby strictly command that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said Statute, upon pain of the several penalties by the said Statute imposed and of our high displeasure.

And we do hereby further warn and admonish all our loving subjects, and all persons whatsoever entitled to our protection, to observe towards each of the aforesaid States, their citizens, subjects, and territories, and towards all belligerents whatsoever with whom we are at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which we and our Royal predecessors have always claimed to exercise.

And we hereby further warn our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume in contempt of this our Royal Proclamation, and of our high displeasure, to do any acts in derogation of their duty as subjects of a neutral Sovereign in a war between other States, or in violation or contravention of the law of nations in that behalf, as more especially by breaking, or endeavouring to break, any blockade lawfully and actually established by or on behalf of either of the said States, or by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usages of nations, for the use or service of either of the said States, that all persons so offending, together with their ships and goods, will rightfully incur and be justly liable to hostile capture, and to the penalties denounced by the law of nations in that behalf.

And we do hereby give notice that all our subjects and persons entitled to our protection who may misconduct themselves in the premises will do so at their peril, and of their own wrong; and that they will in nowise obtain any protection from us against such capture, or such penalties as aforesaid, but will, on the contrary, incur our high displeasure by such misconduct.

Given at our Court at Osborne House, Isle of Wight, this 7th day of August, in the year of our Lord 1894, and in the fifty-eighth year of our reign.

God save the Queen!

*BRITISH CIRCULAR to Public Offices, for the Observance of
Neutrality in the War between China and Japan.—London,
August 7, 1894.*

*The Earl of Kimberley to the Lords Commissioners of the
Admiralty.**

MY LORD,

Foreign Office, August 7, 1894.

HER Majesty being fully determined to observe the duties of neutrality during the existing state of war between the Emperor of China and the Emperor of Japan, and being, moreover, resolved to prevent as far as possible the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordships, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions:—

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom, the Isle of Man, and the Channel Islands, on and after the 12th day of this month, and in Her Majesty's territories and possessions beyond the seas, six days after the day when the Governor or other chief authority of each of such territories or possessions respectively shall have notified and published the same; stating in such Notification that the said rules are to be obeyed by all persons within the same territories and possessions.

1. During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station, or place of resort, for any warlike purpose, or for the purpose of obtaining any facilities for warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant-ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

* Similar letters were addressed to the Treasury, Home Office, Colonial Office, War Office, and India Office.

2. If any ship of war of either belligerent shall, after the time when this Order shall be first notified and put in force in the United Kingdom, the Isle of Man, and the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided, nevertheless, that in all cases in which there shall be any vessel (whether ships of war or merchant-ships) of the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether ship of war or merchant-ship) of the one belligerent, and the subsequent departure therefrom of any ship of war of the other belligerent; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

3. No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination, and no coal shall again be supplied to any such ship of war in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

4. Armed ships of either party are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters

of the United Kingdom, the Isle of Man, the Channel Islands, or any of Her Majesty's colonies or possessions abroad.

I have, &c.,

KIMBERLEY.

*QUEEN'S REGULATIONS respecting Customs Duties and Licences in British Central Africa.—Zomba, February 1, 1894.**

WHEREAS under the provisions of section 99 of "The Africa Order in Council, 1889,"† as amended by "The Africa Order in Council, 1893,"‡ the Consul-General has power to make Queen's Regulations for peace, order, and good government and for securing the observance of any Treaty for the time being in force relating to any place to which the said Orders apply ;

And whereas Her Majesty is a party to the General Act of the Brussels Conference signed at Brussels on the 2nd July, 1890 ;§

And whereas for the better carrying out of the said General Act it is expedient that Regulations should be made respecting the importation, exportation, and disposal of fire-arms and ammunition and gunpowder to, from, and in the British Central Africa Protectorate, and respecting the traffic in spirituous liquors, and respecting customs and licence duties :

It is hereby notified that the Consul-General has, in pursuance of the powers aforesaid, made the following Regulations :—

Regulations concerning Customs Duties and Taxation in British Central Africa.||

(A).—*Import Duties.*

1. A duty of 5 per cent. *ad valorem* on all goods except guns, gunpowder, and ammunition (which are subjected to a duty of 10 per cent.), and machinery, agricultural implements, and materials for constructing railways, tramways, or roads (which are allowed to be imported free of duty).

* Approved by the Secretary of State for Foreign Affairs, January 6, 1894.

† Vol. LXXXI, page 301.

‡ Vol. LXXXV, page 1050.

§ Vol. LXXXII, page 55.

|| The term "British Central Africa" includes the British Protectorate of that name (formerly known as Nyasaland), and those adjoining territories north of the Zambezi under British influence which are administered by Her Majesty's Commissioner and Consul-General for the British South Africa Company.

2. A duty of 10 per cent. *ad valorem* on guns, gunpowder, and ammunition.

[The importation or purchase of guns, gunpowder, and ammunition is subject to the restrictions laid down in the Brussels Act, Articles VIII, IX, and X (*vide* Regulation 15).]

3. The importation of all forms of alcohol (*i.e.*, any beverage in which alcohol is present) is placed under the following restrictions:—Alcohol can only be imported if the importer can produce a special licence signed by Her Majesty's Commissioner and Consul-General, or his representative, which will be discretionally granted to Europeans and other foreigners requiring alcohol for their personal use, for medical or for scientific purposes, or for sale to Europeans (*vide* Regulations).

When alcohol is imported under these conditions it will be subject to the usual 5 per cent. *ad valorem* duty, in addition to the cost of the licence to import.

(B.)—*Export Duties.*

4. On ivory (elephant), for entire tusks* not exceeding 15 lb. in weight, 6*d.* per lb.

5. Ditto, over 15 lb. in weight, 9*d.* per lb.

6. On hippopotamus teeth and rhinoceros horn, 1*d.* per lb.

7. On gold, 1*s.* an ounce.

(C.)—*Custom-houses and Ports of Entry and Exit.*

8. These are at present limited to—

Port Herald (Lower Shiré).	Blantyre.
Tshiromo (Ruó).	Liwonde (Upper Shiré).
Fort Lister (North Mlanje).	Fort Johnston (South Nyasa).
Fort Anderson (South Mlanje).	Deep Bay (North Nyasa).
Zomba.	Abercorn (South Tanganyika).
Tslikwawa (West Shiré).	Rhodesia (Lake Mweru).
Mikorongo (West Shiré).	Kalungwizi (Lake Mweru).

[No one coming from the exterior is allowed to dispose of goods, merchandize, &c., in any place in British Central Africa without first obtaining a clearance from one of the custom-houses above named; nor can any goods liable to duty be exported from British Central Africa across the frontier without the same proceeding taking place.]

(D.)—*Taxation.*

9. Licence to possess or carry any gun, rifle, pistol, or other fire-arm, 1*l.*

[This licence lasts for five years without renewal. It is issued in accordance with the provisions of the Brussels Act. This licence is obligatory on all persons whom Her Majesty's Commissioner permits to bear arms, excepting when the person is using the fire-arm in the service of Her Majesty the Queen, in the army, navy, or police, or is serving in a similar capacity under the British South Africa Chartered Company.]

10. Licence to kill big game, 25*l.* per annum.

[The animals at present comprised within this designation are the elephant, rhinoceros, and giraffe. The licence once taken out is available for any part of British Central Africa. It is a personal licence and non-transferable.]

* Pieces of ivory, or tusks which have been cut up to reduce them to weights below 15 lb., will be charged at the rate of 9*d.* per lb.

11. Licence to trade, 10*l.* per annum.

(Applicable only to foreigners, i.e., persons not born in British Central Africa.)

Trading is defined as buying to sell again, importing goods into British Central Africa for commercial purposes, selling any imported goods or native products in British Central Africa, or exporting any products of the country, except such as are intended solely for scientific purposes and not for commercial use. The exportation of objects intended for scientific purposes, and not for gain or profit, will not be considered by Her Majesty's Commissioner to constitute trading; nevertheless, unless a special notification is made of the nature and number of such objects at the time of exportation, and a special permit to export as a non-trader applied for to the Collector of Revenues of the Districts, the exporter will be considered to be trading, and will be required to take out a licence. But persons who have taken out a licence to kill big game, and who sell the ivory or rhinoceros horns or other product resulting from their sport, will not be required to take out a trading licence in order to sell or export the said ivory or rhinoceros horns. As examples of the above definition, the following may be given:—A person buying food with money or trade goods merely for the consumption of himself and his household or employé is not trading unless he retails the food purchased. Any one exporting coffee, sugar, gold or cotton (for instance), in quantities larger than mere samples, is a trader; but a naturalist who sends collections of mineral, botanical, or zoological specimens out of the country is not, unless he is sending those collections to be sold.

[A special licence to sell alcohol does not relieve the holder from the obligation to first obtain a licence to trade.]

Natives of British Central Africa are not required to take out trading licences unless they export goods from the country.]

12. Special licence to import alcohol, 2*s.* 6*d.*

[Each separate importation requires a separate licence. Each licence will clearly state the amount allowed, and no more can be admitted without another licence, nor can the licence be used to cover more than one consignment. Her Majesty's Commissioner reserves to himself the right to refuse to grant these licences.]

13. Licence to sell any form of alcohol or beverage containing alcohol to Europeans only, 10*l.* per annum.

[Only available for one fixed establishment or place of sale, which will be stated on the licence. A fresh licence must be taken out for each further establishment or place of sale distant more than one mile from the first named.]

14. Perambulating licence, authorizing the holder to sell alcohol, to Europeans only, anywhere within British Central Africa (except in those districts where the sale may be forbidden by Her Majesty's Commissioner), 100*l.* per annum.

Her Majesty's Commissioner reserves to himself the right to forbid the sale of alcohol to Europeans in any part of British Central Africa for any length of time which may seem needful to him in the interests of the public good; but in no case, if the prohibition should extend to a longer period than one month, more than at the rate of 10*s.* a-month will be allowed to the holders of licences in specified places on each licence affected by the prohibition. No rebate, however, will be granted in the case of perambulating licences.

15. Licence to import or to purchase fire-arms or ammunition, 2*s.* 6*d.*

[Each separate importation or purchase requires a separate licence. Each

licence will state the amount allowed, and no more can be admitted or purchased without another licence, nor can the licence be used to cover more than one consignment. Her Majesty's Commissioner reserves to himself the right to refuse to grant these licences.]

(E.)—*Conditions as to Payment of Dues and Taxes, &c.*

16. All the above-mentioned licences must be taken out and paid for in advance, and none will be granted for lesser periods than twelve months, except in the case of No. 12 (licence to import alcohol). All the above-mentioned licences are non-transferable. They must bear the name in full of the person or association to whom they are granted, the date of issue and period of duration, the signature of Her Majesty's Commissioner or his authorized representative, a stamp or stamps of his administration indicating the cost of the licence, the purport for which it is granted, and the signature of the licensee. The gun licences (No. 9) must also bear a description of the mark made on it. Any omission or subsequent alteration of these particulars will render the licences invalid. All licences are to be submitted to the inspection of all persons authorized to inspect them whenever required. The non-production of a licence for inspection, unless a good and sufficient reason is given, will entail the same penalties as the non-possession of a licence.

If a licence is lost or destroyed, the licensee can obtain a fresh one for the remainder of the term for which the lost licence was available on payment of a sum calculated at the same ratio as the sum total for the whole term.

17. Licences can only be taken out (for the present) at the revenue offices named in the list of ports of entry. All customs duties, fees for licences, fines, taxes, or any disbursement due to the Administration in British Central Africa must be made in cash.

18. English money—pounds, shillings, and pence—is the only legal tender throughout British Central Africa; but when it cannot be obtained and tendered in payment of sums due to the Administration, the following coinage will be accepted at the following rates:—

The coinage of the Latin Union and Congo Free State, at the rate of 25 fr. 20 c. to the pound sterling.

The Portuguese coinage, at the rate of 5,000 reis to the pound sterling.

The Indian coinage, at the rate of 15 rupees to the pound sterling, *i.e.*, 1 rupee = 1*s.* 4*d.*

The Maria Teresa dollar, at the rate of seven to the pound sterling.

Silver will not be accepted in payment of sums due to the British Central Africa Administration for sums over two pounds sterling in value; nor copper coins for sums exceeding one shilling.

19. The weights and measures used throughout British Central Africa in all matters concerning the administration and the collection of revenue will be the English standard weights and measures.

(F.)—*Prohibited Actions.*

20. The sale or gift of alcohol to natives of British Central Africa in any form whatever is absolutely forbidden, except when given by a qualified medical man as medicine.

21. The sale, assignment, or gift of guns, pistols, gunpowder, caps, cartridges, or any form of fire-arm or ammunition, is absolutely forbidden, except on the

presentation of a permit to purchase signed by Her Majesty's Commissioner and Consul-General, which permit will only be granted under exceptional circumstances.

(G.)—*Penalties for Non-observance or Breach of these Regulations.*

Any breach of any one of the Regulations above set forth or of any part of their conditions, or failure to comply with them or with any part of their conditions, are offences against "The Africa Order in Council, 1889," and will be punishable accordingly.

H. H. JOHNSTON,

Her Majesty's Commissioner and Consul-General.

Zomba, February 1, 1894.

LAND REGULATIONS of the British Concession, Chinkiang.
—1872–1894.

[Approved by the Secretary of State for Foreign Affairs,
September 11, 1894.]

UNDER and in pursuance of the provisions of "The China and Japan Order in Council, 1865,"* and of "The China and Japan Order in Council, 1881,"† Her Majesty the Queen has been graciously pleased to approve the Land Regulations and Bye-laws of the British Concession, Chinkiang, 1872, as hereby amended, of which a copy is annexed hereto.

Foreign Office, London, September 11, 1894.

KIMBERLEY.

Land Regulations of the British Concession, Chinkiang, 1872, as amended in 1894.

1. THE limits within which these Regulations and Bye-laws are binding are those of the British Concession at Chinkiang.

2. For the purpose of carrying out these Regulations, the following powers shall be vested in the electors (as hereinafter defined) in public meeting assembled, under the provisions of Articles 3 and 14, subject to such approval as is hereinafter more particularly set forth:—

* Vol. LV, page 136.

† Vol. LXXII, page 1103.

of Her Britannic Majesty's Consulate, shall report to him, as soon as practicable, the Resolutions passed at such meeting for his sanction and approval, and such Resolutions when approved to be at once published and publicly suspended outside the Consulate and Municipal Offices for the full term of fourteen days. Within a term of fourteen days from the meeting (or from the receipt of such Report, in case of the absence of such officer) it shall be competent for any ratepayer considering himself prejudiced in property or interests to protest to the officer in charge of Her Britannic Majesty's Consulate (who shall allow or disallow the protest at his discretion) against any Resolution passed at such meeting; but after the expiry of the said term, the Resolution so passed shall be valid and binding, unless altered or amended at a special meeting summoned as hereinafter provided. In case of the refusal of the officer in charge of Her Majesty's Consulate to sanction the whole or any portion of the Resolutions passed at such meeting, it shall be competent for the Municipal Council, on behalf of the electors, to refer the matter to Her Majesty's Minister, whose decision shall be final and conclusive.

4. Electors in these Regulations shall be taken to mean lessees of land within the Concession registered at the British Consulate, or occupiers of buildings within the same limits assessed for municipal taxation at an annual value of not less than 300 taels of Chinkiang sycee; and on which all municipal taxes declared due have been paid seven days at least before the time of the meeting;

Or the recognized agents or legal representatives of such lessees or occupiers;

Or holders of written proxies from such lessees or occupiers (or their recognized agents or legal representatives) as may at the time of the meeting be actually absent from the Consular district of Chinkiang.

Provided, however, that no elector shall have more than one vote in respect of any number of buildings occupied by him; nor shall any firm or copartnership be entitled to more than one vote in respect of buildings occupied in their joint names. But in the event of any individual appearing as a qualified elector in respect to land leased and buildings occupied in his name, or in the name of a copartnership of which he shall be a member, he shall be entitled to one vote on account of each undivided lot of land, and one vote on account of such buildings, and no more. But nothing in these Regulations shall be held to prevent any person from voting by proxy on behalf of any number of lessees of land or occupiers of buildings in the manner above provided.

Seven days previous to the annual meeting a list of the registered lessees of land within the Concession shall be communicated by Her

Majesty's Consul to the Municipal Council. The said Council shall thereupon cause a list to be made of all persons entitled to vote and of the votes in detail to which each may be entitled, which list shall be exhibited in Her Majesty's Consulate at least five days before the meeting. Corrections of the list may be made up to forty-eight hours of the time of holding the meeting, on proof of error or omission being given to the satisfaction of Her Majesty's Consul. Votes shall only be allowed in accordance with the list so corrected. Proxies shall be lodged with Her Majesty's Consul at least twenty-four hours before any annual or special meeting.

5. The Municipal Council shall consist of not more than five nor less than three persons, who shall be chosen in the manner hereinafter provided from those electors qualified to vote as the actual lessees of land or occupiers of buildings or as the duly appointed representative of any firm or company carrying on business in Chinkiang, and qualified as aforesaid. On or before the 8th day of January in each year the Municipal Council shall deposit a Notice with the officer in charge of Her Britannic Majesty's Consulate, containing the names of such electors as are qualified to serve as members of the Municipal Council for the ensuing year, and who have declared to them their willingness to accept such office, accompanied by a certificate of such willingness, signed by two other electors, as proposer and seconder, and by the persons whose names are contained in such Notice; and the said officer shall forthwith cause the said Notice to be exhibited in his office or other public place until the day fixed for the public meeting of the electors. Should the number of such candidates exceed five, a ballot shall be taken at the annual meeting aforesaid, and the five persons who shall obtain the largest number of votes shall be declared duly elected to serve as a Municipal Council for the ensuing year, or until their successors shall be duly elected. In case the number of candidates be not more than five and not less than three, the persons whose names have thus been publicly notified shall be declared duly elected.

6. The Council shall enter upon office as soon as the accounts of the retiring Council have been passed at the annual meeting aforesaid, and shall remain in office till their own accounts have been similarly passed, and their successors have been duly elected and assumed direction. Forthwith, on their assumption of office, all power, authority, and control conferred by these Regulations and Bye-laws on the Council, and all the rights and property which are therein declared to belong to the Council, shall rest in and absolutely belong to them.

7. At their first meeting the Council shall elect from their own body a Secretary and Treasurer. In the temporary absence of the

Chairman, the members present at any meeting of the Council shall elect their Chairman for such meeting. The Council shall likewise appoint a Secretary and one or more auditors, and shall have power to arrange for their remuneration, if requisite.

Three Municipal Councillors assembled at a meeting of the Municipal Council shall constitute a quorum for the dispatch of business, or if the Council consist of three Councillors only, then two shall constitute a quorum. On all questions on which the Municipal Councillors present are equally divided in opinion, the Chairman of the meeting shall have a second or casting vote.

8. In case of a vacancy or vacancies occurring during their term of office, the remaining members of the Council shall have power to fill up such vacancy or vacancies. Should, however, the numbers of members of the Council be reduced to less than three, a special meeting of electors shall be summoned, and an election take place to fill up such vacancies in the same manner as provided above for the annual election.

9. The Municipal Council shall, as soon as possible in each year, make, or cause to be made, an assessment of all land and buildings within the limits of the Concession, and such assessment shall be entered in a book provided for the purpose, and be exhibited, for the information of those concerned, on or before the 1st day of April, in the office of Her Britannic Majesty's Consulate, or other public place; and it shall be competent for any ratepayer feeling himself aggrieved by such assessment to claim a reconsideration of the valuation of any building or lot of land in which he may be interested, provided that such claim be lodged within a period of fourteen days after the exhibition of the said assessment. Such claim shall be heard before an Appeal Committee, consisting of one or more members of the Municipal Council and an equal number of electors, not members of the Council, whose decision, when given, shall be final and conclusive. Such assessment shall be amended from time to time, as circumstances shall require, subject in every case to the right of appeal as set forth above, and shall in all cases form the basis on which rates or taxes shall be levied or electors qualified.

10. The Council, or their Secretary, shall have full power and authority to levy the rates and taxes hereinbefore mentioned, and for this purpose to sue defaulters before their proper authorities for the amounts due in respect of such rates or taxes levied under authority of these Regulations, or in respect of any fines or penalties incurred through contravention of the Bye-laws hereto annexed, or which may hereafter be passed in accordance herewith. And in case the Council shall be unable to discover the owner of goods or property in respect of which rates, dues, or taxes are in arrear or

remain unpaid, or in case the said owner shall be beyond the jurisdiction of the Consular or judicial authorities to which the said Council have ordinary access, the said Council shall, with the consent of the officer for the time being in charge of Her Britannic Majesty's Consulate, be at liberty to distrain and sell such goods or other property as may be necessary for the satisfaction of such arrears, or use such other means as may be necessary to obtain payment of such rates, taxes, or penalties; or in respect of rates or taxes levied on land or buildings, to distrain on the buildings to such extent as may be necessary to satisfy such rates or taxes.

11. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds, and make rules for the government of such officers or servants, or discontinue or remove any of them, from time to time, as they shall see fit. But no engagement shall be entered into with any officer or servant for a longer term than two years, without the special authority of the electors in meeting assembled.

12. The Council shall administer the municipal funds for the public use and benefit at their discretion, having due regard to such directions as shall have been passed at any public meeting of electors duly convened; and a statement shall be drawn up at the end of each year, and duly audited, showing the nature and amount of the receipts and disbursements of the municipal fund during that year, and the said statement shall be published, for the general information of the electors, at least one clear week before the annual meeting.

13. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or person whatsoever, acting under the orders or direction of the Council, shall, if the matter or thing were done, or the contract entered into, in good faith, for the purpose of executing these Regulations, subject him or them, or any of them, personally, to any action, liability, claim, or demand whatsoever. And all expenses incurred properly, and with due authority, by the Council, or any member thereof, or any person acting under their authority or direction, shall be borne and repaid out of the taxes, rates, dues, or other moneys levied under the authority of these Regulations.

14. The officer for the time being in charge of Her Majesty's Consulate shall, at any time when it shall appear to him advisable, or on the requisition of five or more duly qualified electors, call a special meeting of electors, stating its purpose, giving at least ten days' notice thereof; and at such special meeting it shall be com-


petent to the electors to discuss any subject or matter which might legally be brought forward at an annual meeting, provided that notice of such discussion has been inserted in the summons calling the meeting; and all Resolutions passed as aforesaid at such special meeting shall be equally valid and binding as if passed at the ordinary annual meeting, and shall in like manner be subject to the approval of the officer in charge of Her Britannic Majesty's Consulate.

15. The electors shall have power and authority from time to time to pass Bye-laws for the better enabling them to carry out the object of these Regulations, or to repeal, alter, or amend those already made, provided that such Bye-law or Bye-laws, or any alterations or amendments thereto, be not repugnant to the provisions of these Regulations, and that such Bye-law or Bye-laws, alteration, or amendment have been passed by a majority of, at least, two-thirds of the total number of votes given. But no Bye-laws so passed shall come into operation till approved of by Her Britannic Majesty's Minister.

16. All roads and jetties now existing within the Concession, or which may hereafter be surrendered to public use, and the entire foreshore of the River Yang-tsze, within the said limits, shall remain henceforth dedicated to the same uses, and no land so surrendered to public use shall be resumed or alienated except with the consent of the electors in public meeting assembled; and over all ground so surrendered the Municipal Council shall exercise full and complete control, subject to the above stipulation.

17. The Municipal Council, with the consent of the electors, shall have power to acquire land lying without the Concession, by purchase or otherwise, for the purpose of extending lines of roads, or improving communications, as well as for cemeteries or sanitary purposes.

18. The Municipal Council may sue and be sued in the name of their Secretary for the time being; and their Secretary, acting on their behalf, shall have all the rights and privileges which private complainants have to recover and enforce judgments obtained by them, and shall also incur the obligations which private defendants have in proceedings at law or suits in equity commenced against him: Provided that the said Secretary shall not in such a case or cases be personally liable, but only the property of the said Municipal Council; and all proceedings against such Secretary shall be commenced and prosecuted in Her Britannic Majesty's Consular Court at Chinkiang.

19. All buildings erected within the limits of the Concession shall have their external walls built of brick, stone, iron, or other non-combustible materials; the boundaries of lots  be

built upon so as to form part of any building or buildings; no porch, step, shed, window, eave, cornice, or other projection beyond the wall of any building shall jut out or project over public roads or adjacent lots; and if, after the passing of the Land Regulations, any building or projection be at variance with the provisions herein contained, Her Britannic Majesty's Consul or the officer in charge of Her Britannic Majesty's Consulate shall, on the application of the Secretary of the Council, give orders for the removal of the same within a reasonable period; on the expiry of which period, in case the buildings shall not have been altered or removed, it shall be competent for the Municipal Council to remove or alter them, and the expenses incurred thereby shall be repaid by the person so offending, and be recoverable as damages.

20. No building of any kind shall be erected within the limits of the Concession unless a plan of same, specifying its intended position, size, and the materials of which it is to be built, shall first be submitted to the Secretary of the Municipal Council for their approval, under a penalty or fine recoverable from the offender, not exceeding 100 dollars, and with a further fine not exceeding 25 dollars for each day during which such building shall be retained without the alterations which the Municipal Council deem desirable being carried out.

21. The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

22. No sewer or drain shall be made, nor any building be erected, over any sewer belonging to the Council, nor shall any branch drain be carried into any of the sewers or drains above vested in the Council without the consent of the Council first obtained in writing. And if after the passing of the Land Regulations any sewer or drain be made, or any building be erected, contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

23. The Council, and none other, shall be Surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as any Surveyors of Highways are invested with in England.

24. The management of the streets, drains, bunding wharves and jetties, and the laying out and repairing thereof, shall be vested in the Council; and all materials, implements, and other things

provided for laying out and repairing said streets, drains, bunding wharves and jetties, shall belong to the Council.

25. The Council may stop up any streets, and prevent all persons from passing along and using the same during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

26. If any building, wall, or hole, or other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the owner shall repair the same, or in default the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner. If the owner of any such dangerous wall, building, hole, or other place, or his agent, cannot be found, the Council, after giving twenty-eight days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building or other place, may, with the permission of the officer in charge of Her Britannic Majesty's Consulate, take such building or land and sell the same by public auction, and from and out of the proceeds of such sale reimburse themselves for outlay incurred, and shall restore any overplus arising from such sale to the owner of such property on demand; but should the proceeds of such sale not cover the expenses incurred, the Council shall have the same remedies for compelling the payment of the balance as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

27. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of the bye-laws, and if he be a Chinese subject, or a foreigner belonging to some nationality not represented by a Consul, to hand him to Her Britannic Majesty's Consul to be disposed of according to law. If the offender be a citizen or subject of some nationality duly represented, he shall be handed over to his own Consul for adjudication.

28. Every penalty or forfeiture imposed by these Regulations or Bye-laws, the recovery of which is not provided for, may be recovered by summary proceedings before Her Britannic Majesty's Consul, and, upon conviction, [? the offender] shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Consul shall think fit.

Bye-laws annexed to the Land Regulations for the Foreign Settlement, Chinkiang.

1. No straw shed, bamboo house, or building of like inflammable nature shall be erected within the limits of the Concession, nor shall goods or merchandize likely to endanger life or cause injury to individuals or property, such as gunpowder, saltpetre, sulphur, large quantities of spirits in bulk, petroleum, naphtha, or other explosive or dangerous articles, stand on the premises of any individual within such limits; and all smelting and refining of metals, and the practice of extracting gold from silver, is prohibited within the limits of the Concession under a penalty not exceeding 250 dollars for the first offence, and not exceeding 500 dollars for every succeeding offence.

2. Parties desirous, however, of storing small quantities of any of the before-mentioned goods, intended for immediate use or for sale in the ordinary manner of retail trade, may apply to the Secretary of the Council stating the nature and quantity of the goods desired to be stored, and the position in which they are to be placed, as well as the precautions against explosion or fire intended to be used, and the Municipal Council shall at their discretion grant permission for such storage. In case, however, of any failure to carry out such precautions or other stipulations entered upon such permission, the party so offending shall be liable to a penalty not exceeding 100 dollars for each offence, and a further penalty not exceeding 25 dollars for every twenty-four hours of continued disobedience after notice to that effect shall have been served upon him by the Secretary of the Municipal Council.

3. All sewers and drains within the limits of these Regulations, whether public or private, shall be provided by the Council, or other persons to whom they severally belong, with proper traps or other coverings, or means of ventilation, so as to prevent stench.

4. It shall not be lawful to erect any house in the Concession, or to rebuild any house in the Concession, without at the same time constructing a covered drain or drains of such size and materials, and at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; and the drain or drains so to be constructed shall communicate with such sewers as the Council may direct. And whosoever erects or rebuilds any house or other buildings, or constructs any drains contrary to this Bye-law, shall be liable for every such offence to a penalty not exceeding 250 dollars.

5. The Council shall cause all the streets, together with the foot pavements, from time to time to be properly swept and cleansed,

and all dust and filth of every sort thereon to be collected and removed; and shall cause all dust, ashes, and rubbish to be removed away from the houses and tenements of the inhabitants of the Concession at convenient hours and times, and shall cause the privies and cesspools within the said limits to be from time to time emptied and cleansed in a sufficient and proper manner; and every owner or occupier of any building or land within the said limits, or any other person whatever, who refuses to permit the scavengers employed by the Council to remove such dust, ashes or rubbish as by this Bye-law they are authorized to do, or who wilfully obstructs said scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding 20 dollars.

6. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street, banking, or jetties under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding 25 dollars.

7. When any building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the Council or not, the person or persons laying such materials or causing such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or inclose the same, shall for every such offence be liable to a penalty not exceeding 25 dollars.

8. No person shall obstruct the public roads or footpaths with any kind of goods or building materials under a penalty not exceeding 50 dollars, and of a further penalty not exceeding 25 dollars for every day of continued obstruction; and in case on the expiry of the first twenty-four hours after notice to remove same shall have been given to the owner of them, or the person using, employing, or having control over same, the said goods or materials shall have meanwhile not been removed, or in the absence of any such person, or in case of inability on the part of the Council to find him, the Council shall have authority to remove and retain the same until the expense of such removal shall have been repaid; or may recover the expense of such removal as damages, or may also be entitled to recover such expenses, holding the balance, if any, for the payment of penalties, expenses, and costs, to the use of the person entitled to the same.

9. In the case of any stagnant pool, ditch, or pond of water,

pig-stye, cow-house, stable, privy, or any other building, construction, or thing, being reported as a nuisance by the Medical Officer of Health, or his duly appointed substitute, the Secretary of the Council shall forthwith give notice to the owner or occupier, or reputed owner or occupier, or agent, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the Council, the Council may abate such nuisance at the expense of the owner or occupier of such property, the same being recoverable as damages.

Gambling of every description is strictly prohibited within the Concession, and the occupier of any building in which it is carried on shall be liable to a penalty not exceeding 500 dollars for each offence.

10. No foreigner or Chinese shall vend opium, spirits, or liquors of any description by retail, or open a house of public entertainment, theatre, music-hall, billiard saloon, &c., or set up a pawnbroking establishment, without a licence first obtained from the Council and countersigned by Her Britannic Majesty's Consul, and upon good and sufficient security given for the maintenance of order in such establishment. And in respect of such licence or licences the Council may charge on such scale as may be authorized at any public meeting of the electors duly convened, not exceeding the following, that is to say:—

For every spirit, wine, or beer-shop—	Dollars.
For every three months	From 6 to 200
For every house of public entertainment, hotel, or tavern—	
For every three months	6 to 200
For every public billiard-table—	
For every three months	6
For every public tea or coffee-house, or opium shop—	
For every three months	From 6 to 200
For every pawnbroking establishment—	
For every three months	25 to 100
For every theatre, circus, music or dancing saloon—	
For every night open	6 to 200

Every person opening, or keeping, or holding any such shop, store, house of public entertainment, theatre, saloon, or establishment, without having first obtained a licence as above, shall, over and above the cost of the licence and summons, be liable to a fine not exceeding 100 dollars for every such offence, and every land-renter who shall permit his premises to be used as such shop, store, house of public entertainment, saloon or establishment, after one month's notice by the Council that a licence has been refused to the occupier, shall be liable to a fine not exceeding 100 dollars,

with an additional fine not exceeding 10 dollars for every twenty-four hours of continued disobedience of this Bye-law.

11. All persons creating a disturbance, and all persons guilty of furious and improper riding or driving, or the leading of horses up and down the "bund" or other streets of the Concession for exercise, or firing crackers, or who shall commit any act which may legitimately come within the meaning of the term "nuisance," shall be liable to a penalty not exceeding 50 dollars.

12. Nothing in these Bye-laws contained shall be construed to render lawful any act or omission on the part of any person which is, or would be, deemed to be a nuisance at common law from prosecution or action in respect thereof, according to the forms or proceeding at common law, nor from the consequences of being convicted thereof.

REGULATIONS for the Navigation of the Niger.—April 19,
1894.

[No. XL, 1894.]

THE ROYAL NIGER COMPANY (CHARTERED AND LIMITED).

WHEREAS Chapter V of the General Act of Berlin, 1885,* otherwise known as the Niger Navigation Act, declares the navigation of the waterways of the basin of the Niger to be free for the merchant-ships of all nations equally, whether with cargo or ballast, for the transportation of goods and passengers, and that any rules which may be established by the Riverain Powers for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant-ships, and further provides that the Riverain Powers may make any rules of navigation whatever which shall not be contrary to the spirit of their respective engagements under the Niger Navigation Act;

And whereas the General Act of Brussels, 1890,† imposes conditions and restrictions on the importation and transit of fire-arms and ammunition into African territories comprised between the 20th parallel of north latitude and the 22nd parallel of south latitude, and provides that "the Government shall take all measures they may deem necessary to insure as complete a fulfilment as possible of the provisions respecting the importation, the sale, and transport of fire-arms and ammunition, as well as to prevent either the entry or exit thereof by their inland frontiers, or the conveyance thereof to regions where the Slave Trade exists;"

And whereas in that portion of the basin of the Niger known as

* Vol. LXXVI, page 4.

† Vol. LXXX

the Niger Territories, which are under the Protectorate of Great Britain, the Royal Niger Company (Chartered and Limited), is the Riverain Government, acting under powers conferred on it by Charter from Her Majesty, dated the 10th July, 1886;*

And whereas by the Declaratory Regulation of the Company, made on the 16th December, 1887, it was declared, for greater security, that the provisions of the said Niger Navigation Act were formally incorporated in the Regulations of the Niger Territories;

And whereas it is now desirable to lay down rules under which navigation shall be conducted on the waterways of the Niger Territories;

And whereas the Council of the Company is authorized by the provisions of the Charter and the constitution of the Company to perform all legislative and executive acts on behalf of the Company;

The following Regulation has been duly made by the Council, this 19th day of April, 1894:—

(A.) This Regulation may be cited as "The Niger Navigation Regulation (1894)," or, numerically, as "Regulation No. XL (1894)."

(B.) Merchant-vessels passing in transit from the sea to inland ports beyond the Niger Territories shall enter and clear in transit at one of the custom-houses established from time to time for that purpose, at or near the seaboard of the Niger Territories.

(C.) Vessels returning to the sea in transit from inland places beyond the Niger Territories shall enter and clear in transit at the nearest custom-house, established from time to time for that purpose, near the inland frontier of the Niger Territories.

(D.) Merchant-vessels in transit may, as heretofore, call for fuel, provisions, and other necessities at the numerous ports of entry, and other wooding stations not being ports of entry, on the banks of the waterways of the Niger Territories, and the purchase of such necessities shall, as heretofore, be held not to be a loading or discharging of cargo under clause (E) of this Regulation.

(E.) The transit certificates given to such merchant-vessels shall be shown to the authorities of the Company at all ports of entry or wooding stations within the Niger Territories at which such vessels may call while in transit, and shall, as heretofore, free them from all further customs formalities, so long as they do not load or discharge cargo within the Niger Territories or otherwise infringe the territorial regulations of the Niger Territories.

(F.) Persons in charge of merchant-vessels passing in transit shall, if they desire it, be furnished at the custom-house, where they enter and clear, with a collection of such of the territorial regula-

tions of the Niger Territories as are applicable to them, at a reasonable charge, which shall be the same for persons of all nationalities.

(G.) Lists of the custom-houses, ports of entry, and other wooding stations shall be published from time to time in the "Niger Gazette," and in newspapers of the neighbouring Colonies or Protectorates of every nation, or by notice to the Executive authorities of these Colonies or Protectorates. Until the publication of such lists, the custom-houses for merchant-vessels in transit shall be, as heretofore, Akassa, near the mouth of the Nun branch of the Niger; Gana-Gana, near the mouth of the Forcados branch; and Yola, on that affluent of the Niger known as the River Benué, and the ports of entry shall be, as heretofore:—

Leaba.	Igbaku.
Jebba.	Asaba.
Rabba.	Abutshi.
Egbaji.	Atani.
Egga.	Oguta.
Sokun.	Gregiani.
Lokoja.	Munakor.
Mozum.	Utshi.
Yola.	Aboh.
Ibi.	Assay.
Abinsi.	Agberi.
Amagedi.	Sabergreia.
Idah.	Ekow.
Illushi.	Gana-Gana.
Illab.	Akassa.
Ogrugru.	

And the wooding stations, not being ports of entry, shall be as heretofore:—

Odeni.	Djen, and
Arago.	Due
Osibefu.	(on the River Benué).

(H.) Any portion of the merchandize on any merchant-vessel which is entered and cleared for the Niger Territories may be declared in transit to places beyond the Niger Territories, provided such merchandize is so stowed as to enable it to be duly sealed in transit by the Customs officers of the Company, and provided an undertaking is given by the person in charge of such merchant-vessel that it will call at the proper custom-house before leaving the Niger Territories to have the seals removed, but the Customs officials at the place where such merchant-vessel shall be entered

may require that a Customs officer be carried on board and maintained in a proper manner until the arrival of the said merchant-vessel at the custom-house where the seals have to be removed.

(I.) Merchant-vessels, whether in transit or otherwise, shall conform to the local Sub-Regulations which shall from time to time be made as to anchoring in the fair-way, and other matters necessary for facilitating the safe passage of vessels on the waterways of the Niger Territories, and such local Sub-Regulations shall be published in the same manner as the lists referred to in clause (G) of this Regulation, and all such local Sub-Regulations shall apply equally to the merchant-vessels of Great Britain and of all other nationalities.

(J.) The person in charge of every merchant-vessel in transit shall, on entering and clearing in transit, make a declaration at the custom-house of all the arms and ammunition on board, and no such arms or ammunition shall pass the custom-house into either the land or waterways of the Niger Territories without the written permission of the Government of the Niger Territories. Any infringement of this provision shall be taken as an attempt to pass such arms or ammunition illicitly into the Niger Territories, and shall make such merchant-vessel and its cargo, and the person in charge, and any persons aiding or abetting, liable to the penalties prescribed for such a breach of the territorial regulations of the Niger Territories. Applications for the said permissions should be made in writing to the Governor and Council of the Company in London, so as to expedite their reference to Her Majesty's Secretary of State if necessary.

Given under the seal of the Company, this 19th day of April, 1894.

ABERDARE.
(Seal.) GEORGE TAUBMAN GOLDIE.
SCARBROUGH.

Certified :
HENRY MORLEY, *Secretary*.

REGULATIONS made by the Treasury, with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, in pursuance of "The Rules Publication Act, 1893."—August 9, 1894.

WHEREAS by "The Rules Publication Act, 1893" [56 & 57 Vict., cap. 66]* hereinafter referred to as "the Act," Regula-

* Vol. LXXXV, page 1270.

tious are authorized to be made by the Treasury, with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, for such purposes in relation to Statutory Rules as are therein mentioned:

Now, therefore, we, the Lords Commissioners of Her Majesty's Treasury, in pursuance of the said Act, and of all other powers in that behalf, do hereby, with the concurrence of the Lord Chancellor and of the Speaker of the House of Commons, make the following Regulations:—

1. Every exercise of a Statutory power by a Rule-making authority, which is of a legislative and not an executive character, shall be held to be a Statutory Rule within section 3 of the Act and these Regulations.

2. An exercise of a Statutory power which is confirmed only by a Rule-making authority shall not be held to be a Statutory Rule within section 3 of the Act or these Regulations.

3. Except as mentioned in Regulation 2, the volumes of Statutory Rules and Orders published by the Stationery Office in 1890, 1891, and 1892 shall form a practical guide for determining those exercises of Statutory powers which should be treated as Statutory Rules within section 3 of the Act and these Regulations.

4. A distinction shall be drawn between Statutory Rules which are general and those which are local and personal.

5. The distinction shall follow, unless in exceptional circumstances, that adopted between public Acts and local and personal Acts of Parliament.

6. All Statutory Rules when sent to the Queen's printer of Acts of Parliament, as required by the Act, shall be numbered consecutively as nearly as may be in the order in which they are received by the Queen's printer, and either with or without a second number for a particular class of rules.

7. The main series of numbers shall be a separate series for each calendar year, but Statutory Rules made in December in any year, and received by the Queen's printer of Acts of Parliament within fourteen days after the end of that year, may be numbered with the Statutory Rules of that year and included in the annual volume of that year.

8. All Statutory Rules shall be printed and sold, unless, in the case of Rules not required to be published in any Gazette, the Rule-making authority declare that it is unnecessary to print and sell them, and such declaration is not overruled on a reference under Regulation 15.

9. Statutory Rules similar to public general Acts shall be printed in an annual volume, and that volume shall include a list of the Statutory Rules which are similar to local and personal A

10. The Rule-making authority in sending any Statutory Rule to the Queen's printer of Acts of Parliament shall state whether they consider the Rule to be general or local and personal, and that statement shall be followed unless overruled on a reference under Regulation 15.

11. In the annual volume of Statutory Rules the general Rules shall be published in a classified form, as in the volumes mentioned above in Regulation 3, which have been hitherto published.

12. Regulations 6 and 8 shall apply to temporary Statutory Rules, but if they have ceased to be in force at the time of the publication of the annual volume, or will so cease a short time afterwards, they shall not be included in that volume, unless the Rule-making authority inform the Queen's printer of Acts of Parliament that they desire them to be so included.

13. The Treasury, with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, may direct the exclusion from publication at length in any annual volume of any Rules which it seems to them unnecessary so to publish by reason of their annual or other periodical renewal; as, for instance, the Militia Regulations, the Volunteer Regulations, or the Education Code.

14. Any Statutory Rule or class of Statutory Rules which, on the application of the Rule-making authority, may be determined by the Treasury, with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, to be confidential, shall be exempted from section 3 of the Act and from these Regulations.

15. Any question which arises under Regulation 8 as to the printing and sale of Statutory Rules, or under Regulation 10 as to Statutory Rules being general or local and personal, or which arises on the application or interpretation of these Regulations, shall be referred to the Treasury, and determined by them with the concurrence of the Lord Chancellor and the Speaker of the House of Commons.

R. K. CAUSTON,

W. MoARTHUR,

Commissioners of Her Majesty's Treasury.

I concur,

HERSCHELL.

I concur,

ARTHUR W. PEEL, *Speaker.*

August 9, 1894.

SUPPLEMENTAL REGULATIONS as to Cases where an Application for a Certificate of Naturalization, or for a Certificate of Readmission to British Nationality, is made out of Her Majesty's Dominions by an Officer in Her Majesty's Service.—London, November 30, 1894.

IN exercise of the powers contained in "The Naturalization Acts, 1870,"* I, the Right Honourable Herbert Henry Asquith, one of Her Majesty's Principal Secretaries of State, make the following Regulations.

The following Regulations shall apply only to cases where an application for a certificate of naturalization, or for a certificate of readmission to British nationality is made out of Her Majesty's dominions by an officer in Her Majesty's service:—

Oath of Allegiance.

1. The oath of allegiance may, out of Her Majesty's dominions, be administered by and subscribed in the presence of any officer in the Diplomatic or Consular service of Her Majesty, and the oath so taken and subscribed may be proved in any legal proceedings by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal or Under-Secretaries of State.

Registration.

2. Every certificate of naturalization and every certificate of readmission to British nationality, and every oath of allegiance taken with respect to any such certificate, shall be registered in the office of one of Her Majesty's Principal Secretaries of State.

Copies certified by one of Her Majesty's Principal or Under-Secretaries of State to be true copies of any certificate or oath which has been registered may be obtained at such office as aforesaid.

Fees.

3. With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that a fee of 10s. shall be taken for every certified copy of any certificate of naturalization, or of any certificate of readmission to British nationality, with or without the oath of allegiance, and such fee shall be paid into the receipt of Her

* Vol. LX, pages 267 and 291.

Majesty's Exchequer in such manner as the Lords Commissioners of Her Majesty's Treasury shall from time to time direct, and be carried to the Consolidated Fund.

No fee shall be required in respect of any of the following matters:—

- (a.) For the grant of a certificate whether of naturalization or of readmission to British nationality;
- (b.) For administration of the oath of allegiance;
- (c.) For transmitting for registration or for registering any certificate or oath of allegiance.

November 30, 1894.

H. H. ASQUITH.

*NOTIFICATION to British Subjects having Claims against the Government of Chile arising out of the Civil War of 1891.—Santiago, November 14, 1894.**

NOTICE is hereby given to claimants that the Undersigned, British Vice-Consul at Santiago, has been appointed Her Majesty's Agent for the British claims arising out of the acts committed against their persons or property during the period between the 7th day of January and the 28th day of August, 1891, inclusive.

The Mixed Commission, established under the Anglo-Chilean Convention of the 26th day of September, 1893,† held their first meeting on the 24th ultimo, and in accordance with Article I of the above-named Convention every claim must be presented to the Commissioners within six months from that date.

And whereas various claims, and documents in support of them, have from time to time been transmitted to the Foreign Office in London and to Her Majesty's Legation in Santiago, the claimants are hereby notified that each claim must be accompanied by a Memorial to the Commissioners, and their claims formulated in conformity with the Rules of Procedure adopted by the Commissioners.

By order of the Commissioners the Memorials must be in print, and twelve copies thereof in Spanish and English must be forwarded for the use of the Commissioners.

Such claimants as may desire copies of the Rules of Procedure,‡

* Inserted in the "London Gazette" of January 18, 1895.

† Vol. LXXXV, page 22.

‡ See Rules on page 173.

as laid down by the Commissioners for the guidance of claimants in the presentation of their claims, can obtain them on application to me.

Claimants are requested to file their Memorials, together with all documents connected with their claims, at my office, No. 44, Calle Bandera, Santiago, with as little delay as possible.

Santiago, November 14, 1894.

F. W. KERR,
Her Majesty's Agent for the British Claims.

*RULES of Procedure of the Anglo-Chilean Tribunal of Arbitration (Claims against Chile arising out of the Civil War of 1891).—Santiago, November 16, 1894.**

ART. 1. The claimant, his attorney or his legal representative, shall present to the Tribunal of Arbitration, within the time specified in Article I of the Convention of the 26th September, 1893,† a Memorial, accompanied by all the documents and proofs in support of his claim. When the claimant shall think fit to produce oral testimony of witnesses he must state in his Memorial, or in an annex to it, the facts he proposes to establish, as well as the name, profession, nationality, and residence of each witness.

The Tribunal shall have the right to authorize, during the proceedings, the attestation of new facts, and the examination of new witnesses.

The Memorials must be transmitted through Her Britannic Majesty's Legation in Santiago, or presented by the Agent, named in accordance with Article IV of the Convention of Arbitration. In this latter case it will be deemed presented through the British Legation, thus complying with the requisite established by paragraph 2 of Article I of the Convention.

2. The Memorial, as well as all documents annexed in support of the claim, must be presented in the Spanish language, accompanied by a faithful translation into English. In this form the answers must also be presented.

3. The Memorial must contain the name and surname, profession, and actual residence of the claimant, the place and year of his birth, and the place of his residence at the time when the occurrences originating the claim took place. The Memorial and

* Inserted in the "London Gazette" of January 1, 1896.

† Vol. LXXXV, page 22.

translation must be in print, and twelve copies of each must be deposited in the Secretaries' office.

4. The Memorial must also state whether the claimant is British by birth or naturalization, and must contain the information required by Article 3 for the establishment of the status and neutral character of the claimant; it must also state whether he took part directly or indirectly, in the civil war which began on the 7th January, 1891, and terminated on the 28th August of that year, and whether he was, during that period, in the service or pay of either of the contending parties.

5. If the claim is made in the name of a company or firm which is not a Joint Stock Company, the nationality and domicile of the company or firm, and the names of all the parties interested in it, must be given. When the claimant is not the person who has suffered damages; but only the attorney or legal representative of that person, he must prove his personality and quality as such to the satisfaction of the Tribunal.

6. The claimant must state in his Memorial whether he has received any money or compensation on account of his claim, and from whom, and whether such claim had been previously presented to any other Tribunal.

7. The Memorial must contain a clear and detailed statement of the claim, that is to say, its amount, the place and acts which have originated it, the quantity and value of the property lost, destroyed, or damaged, and all the facts and circumstances having any relation to the loss and damage for which indemnity is claimed; and also, in so far as may be possible, the name, rank, and position of the persons who committed the acts which have occasioned the claim.

If any receipt or any written declaration has been given to the claimant he must present it, and in case of not doing so he must explain the motives which render its presentation impossible.

8. The Memorial must specify with precision the sum demanded, making a distinction between capital and interest, and stating the kind of money which represents the value of the damages.

9. The Memorial must be accompanied by a declaration in which the claimant ratifies under oath, or under a solemn declaration, everything he has stated; this declaration must be received and legalized by a Diplomatic or Consular functionary, or in their default, by the competent local authority.

10. When a Memorial is presented, a written receipt shall be given by the Secretaries to the agent presenting it. It will then be inscribed in the respective register of the Secretaries' office, noting down on the Memorial itself the date of its reception and the numerical order of its inscription.

The Secretaries shall then immediately notify the Agent of the Chilean Government of the fact of the presentation. The Agent of the Chilean Government shall have a term of thirty days after being notified of the presentation of the Memorial, to reply to it, taking the exceptions he may deem necessary, and refuting the proofs of the claimant with such counter-proofs as he may think relevant to his case, accompanied by all documents justifying his reply, and indicating the testimony of witnesses he may intend to produce in the course of his defence.

The Secretaries shall notify the Agent of the British Government of this reply, who shall be allowed thirty days after the notification, to answer it, presenting new documents, new petitions, and naming counter-proofs of witnesses, and he may also rectify and complete the requisites of the preceding Articles.

Notification of this presentation shall be given by the Secretaries to the Chilean Agent, who in his turn will be allowed thirty days to reply under the same conditions. His reply shall be notified to the British Agent.

In case the British Agent should renounce his right to answer the first reply of the Chilean Agent, he shall so notify the latter through the Secretaries, in which case the Chilean Agent will not have the faculty of making a second reply.

11. Whenever the oral testimony of witnesses is to be taken, the party offering it shall notify the facts he proposes to prove by this means, and he shall state, when possible, the names, residence, profession, and nationality of such witnesses. The residence of the witness must in all cases be given.

Whenever circumstances permit, the testimony of witnesses shall be taken before the Tribunal. When this is shown to the satisfaction of the Tribunal to be impossible, the Tribunal will decide how the evidence shall be taken, and will name a competent authority to take it.

The Agents, or their delegates, may be present at the examination of the witnesses, and may cross-examine them. The witness shall testify under oath or solemn declaration, and he shall state if he has any interest in the claim, if he is related to the claimant, if he is a creditor or partner, whether he is at that moment in the employ of the Chilean Government, or was in the service of the said Government at the time that the act which originated the claim took place, and if he took part directly or indirectly in the Civil War of 1891.

12. As soon as the last notification prescribed by Article 10 of these Rules or the time for presentation of proof has elapsed, whether this should have been taken or the party interested should have failed so to do within the limit of time, the Secretaries shall

inscribe the claim on the list of claims for hearing, and the Secretaries shall notify the same within forty-eight hours to the Agents of both Governments. Between this notification and the hearing not less than ten days shall elapse.

The Tribunal, after hearing the case, may pronounce sentence if it should consider that no further investigation be necessary, or, on the contrary, it may of its own will, or on the petition of either Agent of either Government, order such further investigation as it may think proper, fixing the time and place when these investigations should be made.

13. The Agents, Secretaries, "Relator," and the Advocates named by the parties according to Articles IV and V of the Convention are the only persons that may attend the sittings of the Tribunal. In no case shall any person be present during the deliberations of the Tribunal.

14. The Secretaries shall keep, besides the register mentioned in Article 10, a book in which they shall note down an extract of the proceedings in each case, another in which they will copy sentences, and a third in which they will transcribe the Protocols of the sittings.

The extract of the proceedings in each case, the decrees and sentences, and the Protocols of the sittings, shall be kept in duplicate, one copy in Spanish and the other in English. When the Tribunal has completed its labours the documents in the Spanish language will be delivered to the Agent of the Chilean Government, and those in English to the Agent of the British Government.

15. The Secretaries shall remit to each Agent a legalized copy of each Decree, or sentence, as soon as pronounced, and the said Agent personally, or by means of a person specially delegated to do so, shall be allowed to inspect any documents he may require, and take copies of them by and with previous consent of the Tribunal.

The Tribunal reserves to itself the right to order or permit the publication of the documents deposited in the Secretaries' office.

16. The Archives will be in charge of the Secretaries, and without permission of the Tribunal it is prohibited to remove any document, paper, or book from the Secretaries' office.

17. The Tribunal reserves the right to suppress, modify, or augment the provisions of the preceding Articles when experience may indicate the advisability of doing so. It may likewise authorize the rectification of all errors of facts which the parties may have incurred in good faith.

Santiago, November 16, 1894.

CAMILLE JANSSEN, *President*.

DIEGO ARMSTRONG, *Secretary*.

*TABLE authorized by the British Commissioner for the Niger Coast Protectorate, prohibiting the Importation into the Protectorate of Arms, Ammunition, &c.**

(a.) THE following goods are absolutely prohibited to be imported :—

Coin, viz., false money or counterfeit sterling.

Coin : silver of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Indecent or obscene prints, paintings, photographs, books, cards, lithographs, or other engravings, or any other indecent or obscene articles.

(b.) The following goods are prohibited to be imported, except subject to the restrictions on importation herein contained :—

Infected cattle, sheep, or other animals, and hides, skins, horns, hoofs, or any other part of cattle or other animals, which the Commissioner may by Order in Council prohibit in order to prevent any contagious distemper.

Provisions, meat, and vegetables unfit for human food, which shall be destroyed or otherwise disposed of as the Commissioner may direct.

Machine-guns, breech-loading rifles, cannons, magazine-guns, smooth-bore cap-guns, revolvers, pistols, and their cartridges, bullets, shot, caps, or other ammunition ; provided that the Commissioner may by licence authorize any person to import and possess within the jurisdiction, for the purposes of sport or personal protection, any specified arms or ammunition.

CLAUDE M. MACDONALD,

Commissioner and Consul-General.

BELGIAN NOTIFICATION of the Accession of China to the International Union of July 5, 1890,† for the Publication of Customs Tariffs.—May 31, 1894.

The Count du Chastel to the Earl of Kimberley.

M. LE COMTE, *Légation de Belgique, Londres, le 31 Mai, 1894.*

CONFORMÉMENT à l'Article XIV de la Convention Internationale conclue à Bruxelles le 5 Juillet, 1890, pour la publication des Tarifs

* Annexed to Report on the Administration of the Niger Coast Protectorate inclosed in despatch from Sir C. MacDonald to the Earl of Kimberley, dated August 19, 1894. Laid before Parliament in "Africa No. 1 (1895)." The Table, with a modification of the last paragraph, was incorporated in "The Niger Coast Customs Ordinance, 1894," section 41. See page 140.

† Vol. LXXXII, page 340.

[1893-94. LXXXVI.]

N

Douaniers, j'ai l'honneur de faire connaître à votre Seigneurie que l'Empire de Chine vient de notifier au Gouvernement du Roi, mon auguste Souverain, son adhésion à la Convention précitée.

Je saisis, &c.,

The Earl of Kimberley.

COMTE DU CHASTEL.

SWISS NOTIFICATION of the Accession of Denmark and the Faroe Islands to the Industrial Property Convention of March 20, 1883.—Berne, October 9, 1894.*

The Swiss Federal Council to the Earl of Kimberley.—(Received October 13.)

M. LE MINISTRE,

Berne, le 9 Octobre, 1894.

NOUS avons l'honneur de porter à la connaissance de votre Excellence que le Danemark a accédé à l'Union pour la Protection de la Propriété Industrielle, à partir du 1^{er} Octobre courant.

Cette accession comprend les Iles Féroé, mais ne s'étend pas, pour le moment, à l'Islande, au Groenland, et aux Antilles Danoises.

Au point de vue de la répartition des frais du Bureau International, le Danemark a demandé à figurer dans la quatrième des classes prévues sous le No. 6 du Protocole de Clôture annexé à la Convention Internationale du 20 Mars, 1883.

En priant votre Excellence de vouloir bien prendre note de ce qui précède, nous saisissons, &c.

Au nom du Conseil Fédéral Suisse :

E. FREY, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

NOTIFICATION by the French Military Commander in Madagascar respecting Customs and Harbour Regulations at Tamatave.†—Tamatave, December 13, 1894.

Foreign Office, January 26, 1895.

THE Earl of Kimberley, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Mr. Anatole Sauzier,

* Vol. LXXIV, page 44.

† "London Gazette," January 29, 1895.

Acting British Consul in Madagascar, the following Notice with regard to Customs and Harbour Regulations at Tamatave :—

Notice.

(Translation.)

The officer in command of the Naval Division in the Indian Ocean, having been invested by the Government of the French Republic with full civil and military powers in Madagascar, announces to all whom it may concern that the French Government has taken the place of the Hova Government in all that concerns the customs duties levied both on entering and leaving the port of Tamatave.

No vessel, dhow, or craft of any kind that shall have entered the roadstead of Tamatave shall be permitted to discharge goods without having paid the customs duties.

No vessel or craft of any kind will be allowed to leave the bay without a written permit from the Commander of the French naval forces, or from his delegate; applications for permits must be made to the Director of the Custom-house.

Tamatave, 13th December, 1894.

BIENAIMÉ, *Captain in command of the Naval Division.*

*SWISS NOTIFICATION of the Withdrawal of Guatemala from the Industrial Property Convention of March 20, 1883.**
Berne, November 27, 1894.

The Swiss Federal Council to the Earl of Kimberley.—(Received December 4.)

M. LE MINISTRE, *Berne, le 27 Novembre, 1894.*

Nous avons l'honneur de porter à la connaissance de votre Excellence que, par note du 8 courant, la Légation du Guatemala à Paris nous a adressé, au nom de son Gouvernement, la dénonciation de la Convention du 20 Mars, 1883, pour la Protection de la Propriété Industrielle.

Cette décision du Gouvernement Guatémalien est motivée par les grosses difficultés qui entravent les industries nationales encore naissantes et qui empêchent celles-ci de soutenir la concurrence d'autres pays beaucoup plus avancés.

Aux termes de l'Article XVIII de la Convention, celle-ci demeurera en vigueur dans le Guatemala jusqu'à l'expiration d'une

année à partir du jour où la dénonciation a été faite, soit jusqu'au 8 Novembre, 1895.

En priant votre Excellence de vouloir bien prendre note de ce qui précède, nous vous renouvelons, &c.

Au nom du Conseil Fédéral Suisse :

E. FREY, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

ACCESSION of Lichtenstein to the International Sanitary Convention signed at Dresden, April 15, 1893.—September 20, 1894.*

Count Hatzfeldt to the Earl of Kimberley.—(Received October 27.)

(Translation.)

MY LORD,

German Embassy, London, October 26, 1894.

I AM directed by my Government to inform your Lordship that the Court Chancery of the Principality of Lichtenstein, by a note dated the 20th ultimo, notified to the German Foreign Office that the Principality accedes to the Dresden Sanitary Convention of the 15th April, 1893 ; and that as none of the States who were parties to the Convention have raised any objection, that accession may be regarded as complete.

I have, &c.,

The Earl of Kimberley.

P. HATZFELDT.

*PERSIAN ACT, respecting Nationality and Naturalization.—
August 10, 1894.*

(Translation.)

1. ALL persons born in Persia are held to be Persian subjects, unless at the time of their birth their parents or their fathers only are aliens, in which case they are considered aliens.

2. Children of aliens born in Persia can, on application to the Persian Government, become Persian subjects when of full age.

3. An alien desiring to become a Persian subject must first be of full age ; secondly, must have resided in Persia for a term of five consecutive years ; and, thirdly, must not have been condemned on account of any crime in his country of origin, or a deserter from military service. An alien furnished with the above qualifications

may, on application to the competent authorities, become a Persian subject.

4. Any alien desiring to become a Persian subject without having resided in Persia, as stipulated in the preceding Article, may, if his application meets with the approval of the Persian Government, form an exception to this rule, and become a Persian subject.

5. A Persian subject whose father has become a naturalized subject of any foreign State, or who has himself become a naturalized subject of such State, may resume his nationality as a Persian subject, without waiting to perform the conditions prescribed in the preceding Articles.

6. A woman, the subject of any foreign State, on marrying a Persian subject, follows the nationality of her husband, but may, after divorce, or the death of her husband, resume her former nationality.

7. A woman, the subject of any foreign State, married to an alien, cannot become a Persian subject unless both she and her husband change their nationality together, in conformity with the provisions of this Act.

8. A Persian subject, residing in a foreign State, may change his nationality provided (1) he is not under a criminal sentence pronounced by a Persian Tribunal ; (2) that he has not absconded to avoid any judicial process instituted against him ; (3) that he is not a deserter from military service ; (4) that he has no liabilities from which he is endeavouring to escape by changing his nationality. In the event of non-compliance with these provisions, his change of nationality will be considered null and void, and on his return to Persia he will be treated as a Persian subject.

9. A Persian subject, in order to become a naturalized alien even after fulfilment of the above conditions, must obtain special permission from His Imperial Majesty the Shah. A Persian subject who, while resident in a foreign State, becomes a naturalized subject of such State without receiving special permission from His Majesty, shall not be allowed to return to Persia, and must dispose of any property which he possesses, situated in Persia.

10. If a father changes his nationality, the nationality of his children, whether young or old, is not affected, unless, having reached their majority, they change their nationality in accordance with the provisions of this Act. Children born after the father has changed his nationality will assume the new nationality of the father.

11. Persian women married to aliens will assume the nationality of their husbands, but after the divorce from, or the death of, their husbands, they can revert to their former nationality on application to the Persian Government. Should they again wish to change their nationality, they must conform to the conditions prescribed in this Act.

12. Persian women married to aliens will have no right to possess real property of any kind in Persia, and shall not enjoy the privileges accorded to Persian subjects. They shall, however, enjoy the privileges accorded to foreign subjects, which are mentioned in Treaties.

13. Those who appear to be Persian subjects, and yet claim to be subjects of a foreign State, must prove their nationality, whether their claim to be considered as foreign subjects be well founded or not; and until their nationality is proved, in accordance with this Act, they shall be recognized as Persian subjects.

14. Aliens who have come to Persia, and have concealed their nationality while residing in the Shah's dominions, and have been treated as Persian subjects, or have purchased property, which is the exclusive right of Persian subjects, shall be recognized as Persian subjects, and their claim to foreign protection shall not be admitted.

15. The stipulations of Treaties concluded between Persia and foreign States regarding emigrants shall have full consideration.

SWISS NOTIFICATION of the Accession of Venezuela to the Geneva Convention of August 22, 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field.*
—Berne, July 13, 1894.

M. LE MINISTRE,

Berne, le 13 Juillet, 1894.

PAR note du 9 courant le Chargé d'Affaires des États-Unis de Venezuela à Berne nous a remis l'Acte d'Accession de cet État à la Convention, conclue à Genève le 22 Août, 1864,* pour l'amélioration du sort des blessés dans les armées en campagne (Croix Rouge), ainsi qu'aux Articles additionnels à cette Convention du 20 Octobre, 1868.†

Par la présente nous avons l'honneur de porter cette adhésion à la connaissance de votre Excellence, et nous saisissons, &c.

Au nom du Conseil Fédéral Suisse,

E. FREY, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

NOTICE of the Governor-General of Crete, respecting the Coast Fishery.—Canea, March 4, 1894.

(Translation.)

— — —

IN order to reconcile the interests of the Italian fishermen using drag-nets with those of the native and Maltese fishermen, the Governor-General agreed with the British and the Italian Consuls to delimitate the line within which these fishermen might respectively carry on their calling, and on the basis of this understanding the following points have been fixed with one accord:—

1. The natives and the Maltese will fish in the south-western angle of the Bay of Canea, within the extent of sea comprised between the Islet of St. Theodoros and a straight line from the quay in front of the Government Palace, touching the northern extremity of the said island, and abutting to the coast of the promontory of Rodhope, between the village of Aphrato and Kimido Spilia.

2. The Italians will fish during the day in spots within sight of the town of Canea, and during the night off the lighthouse.

Except in stormy weather and other causes of *force majeure*, whenever these fishermen proceed to spots not visible from the two before-mentioned points, owing to their being concealed by the Islet of St. Theodoros, they will be considered as having trespassed in waters reserved for native and Maltese fishermen, and as having carried on their industry there, and will be fined according to the law for this act, which will be considered to be an infringement of the law.

3. The execution of the present decision is confided to the police of the Governor-General.

Canea, ^{February 21}
March 4, 1894.

(L.S.)

CORRESPONDENCE between Great Britain and Russia, respecting the Seal Fishery in the North Pacific Ocean (Seizures of British Sealing Vessels by Russian Cruisers; Agreement between Great Britain and Russia for Protection of Russian Sealing Interests; Modus Vivendi between Russia and United States; &c.).—1892–1894.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.)

Foreign Office, September 15, 1892.

FROM intelligence received from Victoria, British Columbia, it appears that the *Willie McGowan*, *Rosie Olsen*, and *Ariel*, British schooners, have been seized at distances of 108, 33, and 25 miles respectively from nearest Russian coast by Russian vessels *Zabiaka* and *Kotik*.

The captured vessels were towed to Petropavlovsk, and the crews, who have reached Victoria by sailing-vessel in a distressed condition, assert that they were put on shore and left on the beach with insufficient food and clothing, and without shelter, and that the captains, under threats of deportation to mines of Siberia, were induced to sign, under protest, affidavits stating that they were sealing in Russian waters.

Further captures of sealing-vessels are now announced, and apprehensions are entertained that the crews are imprisoned, or exposed to hardships, on the coast of Siberia.

You should at once call the attention of the Russian Government to these reports. If the circumstances are as stated, Her Majesty's Government do not doubt that they will at once set the vessels and crews at liberty, and that compensation will be offered.

Her Majesty's Government trust that, in any case, instructions to prevent any similar acts will be sent by telegraph.

If it seems unlikely that vessels will be immediately released, ascertain, as few vessels frequent the Russian ports, what steps can be taken to insure the humane treatment of the crews and their expeditious conveyance to Victoria.

In a note which M. de Giers addressed to the United States' Minister in 1882, and which is published by the United States' Government, he expressly stated that the notice of prohibition of fishing and hunting in Okhotsk and Behring Seas applied strictly to the "territorial waters of Russia only."

In M. de Giers' note of the 14th June last year respecting the *modus vivendi* in the Behring Sea, the same principle was admitted by him.

Mr. Howard to the Earl of Rosebery.—(Received September 16.)

(Telegraphic.)

St. Petersburg, September 16, 1892

As I was unable to see M. Chichkine, I communicated to Count Kapnist the substance of your Lordship's telegram of yesterday's date respecting the seizure of Canadian sealers by a Russian man-of-war. His Excellency replied that the Russian Government had received no report of any kind on the subject, but promised that the proper authorities should be communicated with by telegraph to furnish full details. It was impossible, he said, to know what had taken place or what would occur until the details of the incident were received, but he thought that probably these Canadian sealers had been seen fishing in territorial waters, and that they had been seized beyond the same after having been chased.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, September 20, 1892.

THE Russian Chargé d'Affaires informed me to-day that he had received no information with regard to the seizure of Canadian sealing-boats in the Behring Sea by Russian cruisers, although he believed there was telegraphic communication between St. Petersburg and Petropaulovsk. He had, however, consulted the Naval Attaché to the Embassy, who stated that, it being the breeding season, the boats must have taken the seals close to the shore; that great depredations had been made on the young seals during the last season; and that he surmised the captures had occurred in consequence of this reckless coast fishing.

I am, &c.,

Sir R. Morier.

ROSEBERY.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, September 21, 1892.

My telegram of 15th September: British sealers seized by Russians.

Have you received any answer to your representations?

Sir R. Morier to the Earl of Rosebery.—(Received September 23.)

(Telegraphic.)

St. Petersburg, September 23, 1892.

THE arrival at Vladivostock of the Canadian ships which had been captured by the Russians for seal-hunting is announced in

to-day's newspapers. I have therefore requested M. Chichkine, in a private note, to furnish me as soon as possible with answers to the inquiries which Mr. Howard made of Count Kapnist on Friday last. and have also asked him to let me know whether the local authorities have been instructed to abstain from such treatment as has been complained of by the crews of the sealers in the event of any further captures being made.

On the receipt of this note M. Chichkine immediately called on me, and the result of our conversation was as follows.

We agreed not to discuss the international question until an exact account of what had taken place had been laid before us. With respect to the ill-treatment which, according to their statements, the crews of the captured vessels had suffered, and to the issue of instructions for preventing the recurrence of such treatment in the event of further seizures, his Excellency remarked that the Minister of Marine had indignantly repudiated the idea that officers of the Russian navy could have acted in the manner described by the crews, that he would institute a searching inquiry to arrive at the truth as regards the conduct of the officers, but that it would be an insult to the local authorities to send them instructions to abstain from such offences. Upon this I observed that what my Government desired was to feel assured that the subordinate local officers would in no case commit such acts hereafter as those which they were accused of by the crews. Could his Excellency give me an assurance in the name of the Imperial Government that, in case other vessels were seized, such acts would not take place? M. Chichkine gave this assurance without hesitation.

During my conversation the language used by M. Chichkine was of the most conciliatory nature, and there can be no doubt that he wished the question settled in a friendly spirit.

Mr. Herbert to the Earl of Rosebery.—(Received September 26.)

MY LORD,

Newport, Rhode Island, September 16, 1892.

I HAVE the honour to inclose an article from the "New York Times" (Democratic) in regard to the recent seizures near Copper Island by the Russian cruiser *Zabiaka*.

The Government newspapers have been altogether silent upon this question, and the few Democratic papers which have mentioned the subject appear to be at a loss to know what line to take in regard to it.

I have, &c.,

The Earl of Rosebery.

MICHAEL H. HERBERT.

(Inclosure.)—Extract from the "*New York Times*."

THE *Zabiaka's* SEIZURES.—The all-important feature in the recent captures of the Victorian sealing-vessels *Rosie Olsen*, *Ariel*, and *Willie McGowan*, and the San Francisco schooner *C. H. White*, is the place at which those captures were made. The Russian cruiser *Zabiaka* is said to have seized them at a distance of 40 or 50 miles from the Commander Islands; and allowing for any exaggeration by the angry masters and crews who have returned to Victoria from Petropavlovsk, whither their vessels were taken for confiscation, it can hardly be questioned that the captures occurred far beyond the distance of a marine league from Russian territory. The Governor of Behring Island took part with the Fur Company's steamer *Kodiak* in the *Zabiaka's* cruise, while the captain of the latter vessel is said to have asserted the jurisdiction of Russia up to the water boundary of the Treaty of 1867* made with the United States.

This, of course, is a novel element in the Behring Sea question. The capture and confiscation of sealing-schooners by Russia are not new, but they have not hitherto, we believe, been of a sort to create the indignation now manifested. In other words, they have been captures of predatory vessels guilty of raiding upon the Russian seal rookeries themselves. The American schooner *J. H. Lewis*, captured last year by the Russians, was a veteran poacher on both sides of the sea, and in 1889 had been warned by the *Rush*, but had successfully concealed the skins she had on board at the time. On another occasion she was chased and boarded by the Russian steamer *Alexander*, while hovering near Copper Island, but again escaped seizure. Last year, in company with the *San Diego* and the *Geneva*, she again began operations around Copper Island. According to the account brought by the *San Diego*, a great number of boats landed from these and other vessels, and on two successive days raided the rookeries on the island, killing hundreds of seals. On the second day the Russian guards fired on them whilst thus engaged, and afterwards, when they had escaped to their schooners, the Russian cruiser *Alcut* chased them and captured the *Lewis*, which was sent to Vladivostock for confiscation. The American schooner had been seized beyond the marine league, yet in view of the facts just referred to this did not seem a clear assumption of jurisdiction beyond that distance, but rather the pursuit and capture of a lawless vessel guilty of an extremely grave offence. In the present instance, however, if it is correctly reported, the captures were made so far from Behring and Copper Islands, which constitute the Commander group, as to raise a different question.

* Vol. LVII, page 452.

There is still a possibility that the captured craft had been actually raiding the Russian islands, and had been immediately pursued and captured at a distance not so great therefrom as they assert. In former years Russia's practical claim to jurisdiction, as defended by seizures, has been extended to 5, or even, according to one report, 9 miles from her coast-line. The *C. H. White* is, we presume, the American schooner of that name whose boats were fired upon during a previous season while attempting to land at Copper Island. As they then entered what are unquestionably Russian waters, it is easy to suppose that they may have attempted the same thing this year. The captured crews of this and the other schooners would probably admit nothing that might divert public sympathy from them, whatever offences they may have been guilty of. The facts in the case will probably only come out when the formal British protest and claim for damages are sent to Russia, and the latter country replies. For the present, however, the statements seem to show an intent on the part of Russia to assert jurisdiction over all the waters west of the Treaty boundary of 1867, which runs midway between the Island of Attou and Copper Island. Whether this is a claim to absolute sovereignty over the waters, on the "closed sea" theory, or only to that modified jurisdiction for the purpose of protecting seal life which Mr. Blaine has tried to establish in the eastern half of Behring Sea, cannot yet be determined. But the *Zabiaka* incident appears to mark a new stage in the controversy. For, whereas hitherto this controversy has actively concerned only Great Britain and the United States, Russia, suggestively refraining from any seizures which could be objected to by the former, now seems to be entering the lists on the side of the United States. It is perhaps fortunate for the peace of the region that the news of the seizures reached Victoria only near the end of the sealing season. Of course, the Washington authorities would have nothing to say against Russia's doing precisely what they have long been doing and still claim the right to do. But the British Government might feel bound, in the absence of an agreement with Russia, to send a cruiser to the western portion of Behring Sea to prevent other seizures were it not that the present season is substantially over, or would be over before Behring Sea could be reached. Between now and the opening of the next season there will be a chance for official correspondence, and perhaps the outcome may be a *modus* with Russia similar to that which was effected with our country pending the submission of the whole subject to arbitration.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, September 26, 1892.

INFORM Russian Government that, in consequence of great anxiety felt by families of British Columbian sailors who are embarked on sealing-schooners, we are ordering Her Majesty's ship *Leander* to proceed from Hakodate to Petropavlovsk, in order to make arrangements for the return of any seamen of captured sealers who may be awaiting shipment.

This is the more necessary as we understand that the port is but little frequented.

Ask that the Commander may receive all necessary facilities from the Russian authorities.

Mr. Howard to the Earl of Rosebery.—(Received September 30.)

MY LORD,

St. Petersburg, September 17, 1892.

M. CHICHKINE was engaged yesterday afternoon, so Count Kapnist received me, and I handed to him a paraphrase of your Lordship's telegram respecting the seizure of British sealers by Russian cruisers.* His Excellency said that, although he had seen the case mentioned in the press, no reports of any kind had been received on the subject from the Imperial authorities concerned. He was sure that the facts, whatever they might be, must be exaggerated, especially as regards the threat respecting the Siberian mines; he would, however, telegraph to the proper authorities for full details, and let me know the result.

I said that surely sealers could not be seized at the distance named from the coast, as M. de Giers had informed the United States' Minister in May and June 1882 that the prohibition to hunt and fish only applied to the territorial waters of Russia, and that his Excellency had virtually repeated the same statements in his communication to Sir Robert Morier of the 14th June last year. Count Kapnist replied that he was no lawyer, and could not therefore offer a legal opinion on the subject, although he thought that I was probably correct in this particular; and that, although there was but little use to discuss matters the details of which were wanting, he would point out to me that the telegram only mentioned that the seizures took place at certain distances from the coast, and it was quite possible that the sealers in question had been sighted poaching within territorial waters, and after being chased had eventually been seized at the distances named, although he doubted the statement

as to the 103 miles. He then spoke at some length on the subject of the poaching propensities of the sealers, and cited the case of two vessels caught in the act of poaching last year, of which one had, after capture and while being towed by the Russian cruiser escaped during a storm to Yokohama, where the case had been made the subject of a judicial inquiry by the British Assistant Judge and he added that the papers in this case had been sent to M. de Staal.

I said that, if the sealers had been guilty of poaching, it did not seem to me to be usual to imprison them, and I trusted that they would be released, properly cared for, and conveyed speedily to Victoria, as there were but few vessels trading with the Russian ports in that region. Count Kapnist answered that it was impossible to know what the sealers had done, and that he could not say how they could be sent home. I replied that they could certainly not be turned out on the shore, as it was alleged had been done in the case of the crews of the sealers who had arrived at Victoria, and be told to swim to British Columbia or get there as best they could; surely they might be conveyed by one of the Russian cruisers.

His Excellency, after stating that he doubted the cruisers being available for such a purpose, remarked that I seemed to consider the case in a very serious light; and on my replying that I certainly thought it a serious one, and that he could see by the telegram I had handed him that your Lordship was evidently of the same opinion, he said that it was impossible for him to inform me of what could or would be done until the reports of the Russian authorities had been received; and that all he could now state officially was that a complaint having been preferred, the Imperial Government would inquire into the same, and would communicate the result of such inquiry to me at the earliest possible date.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

Sir R. Morier to the Earl of Rosebery.—(Received September 30.)

MY LORD,

St. Petersburg, September 23, 1892.

ON receipt of your Lordship's telegram of the 21st instant, inquiring whether any answer had yet been received to the representations made by Mr. Howard in reference to the seizure of British sealers and the treatment of their crews at Petropavlovsk, I thought it right to ascertain beyond a doubt how far telegraphic communication extended, and whether it was physically possible for an answer to have been received. As I had expected, the telegraphic wire does

not extend to Petropavlovsk, but only to Saghalien, and it was clear that it would take many days before a reply could be obtained from the former place.

This morning, however, the Russian newspapers announced the arrival of the four ships—three British and one American—at Vladivostock from Petropavlovsk. I accordingly addressed to M. Chichkine, whom I had not yet seen, the private letter of which I have the honour to transmit a copy herewith.

His Excellency called upon me immediately on the receipt of this letter. He said he had just received my note, and was glad of the opportunity of at once having a talk with me on this incident. He said that, supposing the sealers had been captured in the open sea, would not the Russian cruisers have been justified if they had caught them *in flagrante delicto* in territorial waters, and pursued them thence into the open sea until they overtook and captured them? If you detected a burglar in your house, said his Excellency, and he rushed out by the window, could not you follow him into the street and lay hands on him there? I said this belonged to the side of the question which had to deal exclusively with the rules of international law which governed the subject, and that I thought it would be perfectly useless to enter upon this side of the question until we had all the facts of the several cases in an official and authentic form before us.

The point of immediate importance was the alleged treatment of the crews of the ships by the officers in command of the capturing vessels. I was perfectly ready to admit the possibility of exaggeration. It was in the nature of things there should be such, and from previous cases of sealing troubles in those waters I was aware what very hard swearing there could be on both sides. In the present case, however, the number of witnesses was so great—eighty-four in number—and composed not of British subjects only, but of Americans also, that I could not resist the conviction that they must have been treated with exceptional hardship, and what appeared inhumanity. M. Chichkine then said, "M. l'Ambassadeur, you who have been amongst us for so many years, can you honestly accuse the Russian people of inhospitality and cruelty?" I said most assuredly not. I regarded the Russians as the most tender-hearted and hospitable race in existence. I had had exceptional opportunities of judging of these admirable qualities, and the dark record of my countrymen's sufferings at Petropavlovsk was lighted up by an episode which bore an eloquent testimony to these very qualities. Some of them would have starved but for the kind-heartedness of some poor mujiks, who shared with them their black bread and salt fish. This was the universal character of the Russian mujik, but it was precisely that of Russian officials trusted with unlimited power

way places beyond reach of supervision. Whatever may have been the amount of hardship which the ships' crews may have suffered, the point of immediate interest was to make sure that the crews of the ships which had been announced as having been captured and about to be brought into Russian ports should not be subjected to similar treatment. I had consequently received urgent telegraphic instructions from your Lordship to learn whether the wish expressed by Mr. Howard to Count Kapnist, that instructions should be sent to the local authorities which would absolutely preclude the repetition of such treatment (assuming the account given by the crews to be true), had been complied with. His Excellency said he had not yet got an answer from the Minister of Marine, but that he knew that Admiral Tchikhatchoff had declared himself profoundly hurt ("lésé") at the idea of sending instructions to officers of the Imperial navy to abstain from acts of barbarism and inhumanity. He declared them incapable of such conduct, and to assume that they were capable would be to insult them. I observed to this that I quite understood his Excellency's feelings, which did him honour, but that these feelings could hardly be expected to satisfy Her Majesty's Government, who complained on what seemed satisfactory evidence of particular acts of inhumanity committed by certain commissioned officers of the Imperial navy. M. Chichkine said that Admiral Tchikhatchoff would institute a searching and severe inquiry into the conduct of the Commanders of the *Zabiaka* and *Kotik*, but that this was a very different thing from assuming their guilt, and basing a general instruction upon it. I said I was quite ready to admit this, and that as long as Her Majesty's Government obtained the certainty that British subjects would run no risk of being again similarly treated, it would be indifferent to them how this certitude was obtained. I said, "Would your Excellency, for instance, speaking in the name of the Russian Government, give me the positive assurance that, always supposing that harsh and inhuman treatment had been exercised, there would be no repetition of it?" M. Chichkine unhesitatingly gave me this assurance.

To prevent the possibility of any misunderstanding, I said I would send him the exact terms of the telegram I should send to your Lordship on the subject, and I have the honour to inclose herewith copy of the private letter which I have addressed to his Excellency this evening.

I should add that on my asking how soon it would be likely that the inquiry would commence in regard to the proceedings of the cruisers, M. Chichkine answered that this was extremely uncertain, as the *Zabiaka* and *Kotik* had, immediately after bringing the captured sealers to Vladivostock, put to sea again.

Excellency, in the course of conversation, suggested that he

thought it would be a useful and friendly act on behalf of the British Government to publish a severe warning to British sealers against fishing in Russian territorial waters. I said I had every reason to believe that this was done in a most conscientious and thorough manner, no sealer being allowed to leave a British port without being warned to strictly abstain from taking seals within the distance of 3 miles from any Russian island or coast.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure 1.)—*Sir R. Morier to M. Chichkine.*

Saint-Pétersbourg,

M. LE CONSEILLER PRIVÉ,

le 1^{er} 1/2 Septembre, 1892.

APPRENANT que les vaisseaux Anglais capturés sous le prétexte de s'être livrés à la chasse des otaries dans des eaux regardées par la Russie comme territoriales sont arrivés de Pétropavlovsk à Vladivostock, j'ai l'honneur de vous informer que j'ai reçu de mon Gouvernement un télégramme urgent me mandant de m'enquérir quand le Gouvernement Impérial sera à même de donner les explications demandées par le Comte de Rosebery dans le télégramme dont Mr. Howard a laissé copie avec le Comte Kapnist Vendredi, le 1^{er} 1/2 dernier. Vladivostock étant en communication télégraphique avec Saint-Pétersbourg, il me paraîtrait qu'il n'y aurait pas de difficultés à obtenir des renseignements dans un bref délai.

Je suis également chargé de prier votre Excellence de bien vouloir me dire si, d'après le vœu exprimé par M. le Comte de Rosebery, les instructions nécessaires ont été envoyées pour empêcher la répétition de procédés pareils à ceux dont, selon les données fournies par les équipages des vaisseaux capturés, ils auraient été victimes.

Je veux bien espérer que votre Excellence me mettra à même de télégraphier à mon Gouvernement une réponse rassurante à ces deux questions. L'affaire, telle qu'elle se présente actuellement, a un aspect grave et sérieux, mais je ne puis douter que le Gouvernement Impérial ne partage l'espoir de celui de Sa Majesté que cet incident, après examen impartial, se trouvera exagéré dans ces détails, et que, quant aux principes internationaux qui paraîtraient s'y être mêlés, il n'y aura pas de différence entre la manière de voir des deux Gouvernements.

Veuillez, &c.,

M. Chichkine.

R. B. D. MORIER.

P.S.—Je prierai votre Excellence de bien vouloir ~~mon~~ l'heure à laquelle je pourrais me rendre au Ministère Lur des
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instructions importantes de mon Gouvernement par le courrier qui arrive Dimanche, et il m'importe d'avoir le temps nécessaire de préparer mes réponses pour mon courrier qui retourne Jeudi.

R. B. D. M.

(Inclosure 2.)—*Sir R. Morier to M. Chichkine.*

Saint-Petersbourg,

M. LE CONSEILLER PRIVÉ,

le 1^{er} 1/2 Septembre, 1892.

VOICI, comme je vous l'ai promis, le texte du télégramme que j'ai envoyé à mon Gouvernement pour lui rendre compte de notre conversation d'aujourd'hui:—

“ Nous nous sommes mis d'accord pour ne pas discuter la question internationale avant d'avoir entre les mains un relevé exact des faits qui ont eu lieu. Quant au mauvais traitement qu'auraient, d'après leur récit, subi les équipages des vaisseaux capturés et l'envoi d'instructions pour prévenir, le cas échéant, les renouvellements de pareilles mesures, son Excellence remarqua que le Ministre de la Marine avait repoussé avec indignation l'idée que des officiers de la Marine Russe aient pu agir de la manière décrite par les équipages, mais qu'il ouvrira une enquête sévère pour arriver à savoir le vrai sur la conduite de ces officiers, mais que cela serait une insulte aux autorités locales que de leur envoyer des instructions de s'abstenir de pareils méfaits. Sur quoi j'observai que ce que mon Gouvernement demandait c'était d'obtenir la certitude que les officiers subordonnés locaux ne pourraient dans aucun cas se livrer dans l'avenir à des procédés semblables à ceux que les équipages leur reprochaient. Son Excellence pourrait-elle me donner, au nom du Gouvernement Impérial, l'assurance que, dans le cas où d'autres vaisseaux seraient capturés, de pareils procédés n'auraient pas lieu ? M. Chichkine, sans hésitation, donna cette assurance.”

Agréé, &c.,

M. Chichkine.

R. B. D. MORIER.

Sir R. Morier to the Earl of Rosebery.—(Received September 30.)

MY LORD,

St. Petersburg, September 27, 1892.

WITH reference to your telegram of the 26th instant, I have the honour to inclose herewith to your Lordship a copy of a note which I have this day addressed to the Russian Government, in obedience to your Lordship's instructions.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(*Inclosure.*)—*Sir R. Morier to M. Chichkine.*

M. LE CONSEILLER PRIVÉ, *St. Petersburg, September 14, 1892.*

I HAVE been instructed by Her Majesty's Government to inform your Excellency that, in consequence of the great anxiety felt by families of British Columbian sailors embarked on sealing-schooners, Her Majesty's Government have ordered Her Majesty's ship *Leander* to proceed from Hakodate to Petropavlovsk in order to make arrangements for the return of any seamen of captured sealers who may be awaiting shipment. This course is the more necessary as it is understood that the port of Petropavlovsk is but little frequented.

Her Majesty's Government ask that the Commander of Her Majesty's ship *Leander* may receive all necessary facilities from the Russian authorities.

As it would seem difficult for the Commander to give the notice of his arrival requested by the Imperial Government in M. Bouténieff's note of the ^{10th}/_{22nd} February, 1887, I have to express the hope that the present notification may be regarded as that agreed upon as necessary between the two Governments with reference to ships of war visiting their respective ports.

I avail, &c.,

M. Chichkine.

R. B. D. MORIER

Sir R. Morier to the Earl of Rosebery.—(Received October 3.)

(Telegraphic.)

St. Petersburg, October 3, 1892.

I AM informed in a note from the Russian Government that such of the crews of the sealers which were captured last August who had not been already repatriated, and for whose conveyance home Her Majesty's ship *Leander* has been dispatched, have been sent to Nagasaki by the local authorities.

Sir R. Morier to the Earl of Rosebery.—(Received October 3.)

MY LORD,

St. Petersburg, September 27, 1892.

WITH reference to correspondence respecting the recent seizure of British sealers by Russian cruisers in the Behring Sea, I have not failed to endeavour to ascertain what steps have been taken by the American Government respecting the capture of the *Cape Horn Pigeon*, which was seized some distance from Ishurup Island, at the mouth of the Sea of Okhotsk.

The American Chargé d'Affaires told Mr. Howard that he received a telegram from the captain of the scho

circumstances of the capture, and stating that he had been landed on the shore near Vladivostock without food or shelter. Mr. Wurts immediately repeated this telegram to Washington, and has had no answer but a simple acknowledgment of the receipt. He had consequently made no representation respecting the legality of the seizure, but had addressed a note to the Imperial Government on his own responsibility respecting the treatment accorded to the crew. He avoided using any such phrase as cruelty or inhumanity, but asked that the crew might receive adequate food and shelter.

It was evident that Mr. Wurts did not wish to press the incident, doubtless for fear of raising some contention which might be inconsistent with American claims against Great Britain in the Behring Sea. He said he considered the Sea of Okhotsk a *mare clausum*, because, though part of the Kurile Islands were occupied by Japan, that Power had signed a Convention with Russia agreeing to close the sea. He also said he did not much believe in the captain's complaints of ill-treatment, for if he was really destitute he would not have had money enough to send so long a telegram.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

Sir R. Morier to the Earl of Rosebery.—(Received October 4.)

MY LORD,

St. Petersburg, October 1, 1892.

I INCLOSE herewith M. Chichkine's reply to my note, addressed to him in compliance with your Lordship's telegram of the 26th ultimo, respecting the visit of the *Leander* to Petropavlovsk, and my acknowledgment.

Your Lordship will perceive it is of a very courteous kind.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure).—M. Chichkine to Sir R. Morier.

M. L'AMBASSADEUR,

Le 1^{er} 3^e Septembre, 1892.

A LA suite de votre note du 14^e de ce mois, je n'ai pas manqué d'informer le Ministère Impérial de la Marine que le croiseur Anglais le *Leander* avait reçu du Gouvernement Royal Britannique l'ordre de se rendre à Pétropavlovsk. Nos autorités ont été invitées à prendre toutes les mesures nécessaires pour faciliter à ce bâtiment l'entrée du port en question, et des ordres ont été expédiés télégraphiquement au Commandant de notre escadre du Pacifique à Vladivostock. Toutefois, je crois devoir prévenir votre Excellence que vu l'absence d'une ligne télégraphique allant jusqu'à Pétro-

pavlovsk et la difficulté des communications, surtout dans cette saison de l'année, un malentendu serait possible dans le cas où le *Leander* se présenterait devant cette place avant que son Commandant eût reçu les ordres qui lui ont été expédiés. Cette éventualité n'aurait été entièrement évitée que par l'accomplissement des formalités communiquées au Gouvernement de Sa Majesté Britannique par la note de l'Ambassade Impériale à Londres du 14 Février, 1887.

Je saisis, &c.,

Sir R. Morier.

CHICHKINE.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, October 18, 1892.

WITH reference to previous correspondence respecting the seizure of British sealing-vessels in the Northern Pacific by the Russian authorities, I now transmit to your Excellency a copy of a letter from the Colonial Office, inclosing protests and depositions from the masters, mates, and others on board of the British vessels *Ariel*, *Willie McGowan*, and *Rosie Olsen*, respecting their capture and subsequent treatment.

If the statements made in these papers are true—and they bear every mark of authenticity—it is clear that the seizures were altogether illegal, as the vessels had at no time been fishing or seal-hunting within Russian territorial limits. The condemnation of the vessels seems also to have been arbitrary and irregular, and the crews while on shore at Petropavlovsk suffered considerable hardships.

You will communicate the evidence to the Russian Government, who have already taken steps for investigating the facts. The observations contained in the letter from the Colonial Office, in which I entirely concur, will enable you to discuss the matter with the Acting Minister for Foreign Affairs if you should think it desirable.

But you will state that Her Majesty's Government prefer to await the result of the inquiries which are being made before advancing any definite claim on behalf of the owners and crews, and that they have too much confidence in the equity and humanity of the Russian Government not to suppose that the Government will offer immediate and adequate reparation if the proceedings of the Russian officers should prove to be correctly described in these papers.

I am, &c.,

Sir B. Morier.

ROSEBERY.

Sir R. Morier to the Earl of Rosebery.—(Received October 19.)

MY LORD,

St. Petersburg, October 16, 1892.

I RECEIVED last night a note from M. Chichkine, of which I have the honour to transmit the inclosed copy herewith, on the subject of the Canadian sealers captured in the Behring Sea, from which it would appear that nothing could have exceeded the kindness and courtesy shown to the officers and crews of the captured ships, who had requited this exceptional treatment by acts of drunkenness and insubordination.

On the all-important point of the localities where the ships were captured, beyond stating generally that it was proved that they had poached in Russian waters, nothing is said, and I have accordingly addressed this day a note to M. Chichkine, of which I have the honour to inclose a copy, in which I ask for information on this point.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure 1.)—*M. Chichkine to Sir R. Morier.*

Ministère des Affaires Étrangères, Saint-Petersbourg,

M. L'AMBASSADEUR,

le 3^e/₁₅ Octobre, 1892.

L'AMIRAL KREMER, gérant temporairement le Ministère Impérial de la Marine, vient de me faire parvenir un rapport que le Commandant de notre escadre du Pacifique lui a adressé par le télégraphe, et où se trouvent exposées toutes les circonstances ayant accompagné la capture de quelques bâtiments de pêche Canadiens qui se livraient au braconnage dans les eaux de la Sibérie Orientale. Je m'empresse de communiquer à votre Excellence ces données, qui contredisent absolument les récits mensongers faits par les équipages des schooners capturés.

Ces embarcations étaient au nombre de six : le *Willie McGowan*, l'*Ariel*, le *Vancouver Belle*, la *Rosie Olsen*, la *Mary*, et le *Carmolite*. Il n'y eut de capturés que les schooners convaincus, après inspection de leurs livres de bord, d'avoir pêché dans nos eaux territoriales. Encore trois d'entre eux en ont-ils été quittes pour un avertissement. Tous ces navires avaient cessé de tenir leurs journaux de quart depuis un laps de temps variant de un à quatre jours. Dans les cales de plusieurs d'entre eux on découvrit de peaux fraîches, dans d'autres des otaries qui n'avaient pas encore été écorchées. Sur les cartes marines se trouvaient marqués divers points des côtes de nos îles et des eaux environnantes. Une circonstance digne de remarque c'est que les documents de tous ces schooners, sans exception,

portaient en note l'injonction, signée par des officiers de croiseurs Américains et Anglais, de quitter les eaux situées du côté Américain de la ligne de démarcation établie par la Convention de 1867, et de ne plus repasser cette ligne sous peine de prise. Leurs habitudes de braconnage étaient donc connues des autorités Britanniques.

Pendant les perquisitions, les procédés de nos officiers ont été des plus corrects. Transportés sur nos navires, les capitaines et leurs seconds ont été logés à part et traités à l'égal de nos officiers, tandis que les équipages recevaient la portion de matelot, y compris l'eau-de-vie, le thé, et le café réglementaire.

Ils n'ont élevé aucune prétention durant leur séjour à bord et n'ont eu, au contraire, que des expressions de gratitude. Les capitaines de la *Mary* et du *Carmolite* n'ont pas voulu quitter le croiseur de la flotte Impériale, *Vitias*, sans y avoir laissé des remerciements écrits pour la façon dont ils avaient été traités à bord de ce bâtiment, et plus tard le Capitaine de Frégate de Livron, Commandant du *Zabiaka*, reçut une lettre dans le même sens du capitaine du *Vancouver Belle*.

Après leur débarquement à Pétropavlovsk, la conduite des équipages de l'*Ariel*, du *McGowan*, et de la *Rosie Olsen*, c'est-à-dire, des trois schooners mentionnés dans le télégramme de Lord Rosebery à Mr. Howard en date du 1^{er} Septembre, année courante, a été scandaleuse. Ces hommes, à qui nos autorités avaient assigné, pour leur entretien, une allocation journalière égale à celle que reçoivent nos marins, se livraient à des actes d'ivrognerie, accompagnés de voies de fait, d'insultes aux habitants, et même à des officiers. On ne put en venir à bout qu'en requérant l'aide du Commandant du *Zabiaka*. Il fit rétablir l'ordre sans autre acte de rigueur que de faire éloigner par la force le capitaine de la *Rosie Olsen*, qui était venu l'insulter dans sa cabine.

Ainsi, non seulement les imputations injurieuses dirigées contre nos officiers se trouvent fausses, ce qui ne pouvait d'ailleurs souffrir aucun doute, mais encore les témoignages les moins suspects attestent qu'ils ont usé envers des équipages pris en fraude une courtoisie dont la valeur est assurément doublée par cette circonstance. Quant au droit indiscutable de nos autorités de réprimer des désordres et des violences, elles n'en ont fait usage qu'avec une extrême modération.

Enfin, sans entrer dans des considérations de principes, je me permettrai de faire observer à votre Excellence que nos croiseurs ont le devoir d'autant plus strict d'exercer la protection qui leur est confiée, par tous les moyens efficacement employés contre les rapines sur mer, que les braconniers Canadiens, gênés du côté de l'Amérique, se sont visiblement rabattus sur nos eaux. Leurs ~~méfiances~~ ^{méfiances} ont déjà porté de graves préjudices aux pêcheries Russe de

Behring, dont le rendement a considérablement diminué pendant l'année courante.

En portant ce qui précède à votre connaissance, je saisis, &c.,
Sir R. Morier. CHICKKINE.

(*Inclosure 2.*)—*Sir R. Morier to M. Chickkine.*

M. LE CONSEILLER PRIVÉ, St. Petersburg, October $\frac{4}{10}$, 1892.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the $\frac{2^{\text{nd}}}{15^{\text{th}}}$ October, containing the reply of the Acting Head of the Imperial Ministry of Marine to Mr. Howard's *aide-mémoire* of the $\frac{4}{10}$ th September respecting the capture of certain sealers in the Behring Sea by His Imperial Majesty's cruisers, and I shall not fail to transmit this important document at once to Her Majesty's Principal Secretary of State for Foreign Affairs.

I must observe, however, that the note states that in the report of the Commander of the Pacific Squadron all the circumstances connected with the capture of the said Canadian sealers are explained. In Mr. Howard's *aide-mémoire*, however, a point of primary importance, that of the distance from the Russian coast, viz., 103, 33, and 25 miles respectively, at which these captures were said to have been effected, is specially insisted on as requiring explanation. To this point no reference is apparently made in the telegram received by Admiral Kremer. I should be obliged, therefore to your Excellency if you will let me know exactly the degrees of latitude and longitude in which the three vessels respectively were captured.

I avail, &c.,

M. Chickkine.

R. B. D. MORIER.

Sir R. Morier to the Earl of Rosebery.—(Received October 26.)

MY LORD,

St. Petersburg, October 21, 1892.

THE Official Gazette of to-day contains an article of some length on the late seizures of British sealers in the Behring Sea. It refutes the allegations of the masters and crews of those ships as to the ill-treatment these represent themselves as having suffered at the hands of the Russian officers, but it admits that the captures were effected at distances varying from 20 to 8 miles from the shore.

I have the honour to transmit herewith a full translation of this article by Mr. Wardrop, my Private Secretary.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure.)—*Extract from the "Pravitelstvenny Vestnik" (Official Gazette) of October 21, 1892.*

(Translation.)

On the 19th September (n.s.) the "Times" published an article from a correspondent in Ottawa, in which, on the authority of the skippers and seamen of the schooners captured by our gun-boats near the Commander Islands, and afterwards sent back, with our assistance, to British Columbia, attention was drawn to a flagrant violation of international law supposed to have been committed by us, and various revolting details were given concerning the action of our officers and crews, with an account of the persecutions to which these unjustly captured men had been subjected.

Not satisfied with printing this article, the "Times," on the following day, supplemented it by a leading article, in which these charges were not only confirmed, but set forth in language still less decent than that in which the hatred of the coarse pirates who had been disappointed in their hope of gain found vent. Unfortunately, a certain section of the European press repeated the accusations made by the "Times." The first to defend the honour of Russian sailors were English naval officers, whose paper, the "Army and Navy Gazette" (of the 1st October), while sharing the general dissatisfaction of Englishmen at the seizure of English ships, nevertheless thought it right to protest in the strongest terms against the "unjust and insulting attack" of the "Times," declaring that it was shameful that the leading English paper should presume in such an unworthy manner to malign officers with whom the officers of the British fleet maintain "courteous" relations, and in whom they have always met brave and noble foes in time of war.

The "Army and Navy Gazette" expressed its conviction that the "Times" would recognize the necessity of apologizing for its unjust and impolitic accusations, which, doubtless, it was not in a position to substantiate. In conclusion, the "Gazette" drew attention to the fact that the men upon whose evidence the aforesaid abominable calumnies are based belong to the lowest classes of society. Such a declaration, equally honourable to the officers of the British and Russian fleets, furnishes an example of true gentlemanliness which will not be forgotten by anybody in Russia.

The substance of the complaints expressed in the "Times" amounts to this: that the schooners were captured outside our territorial waters, and that after they had been taken to Petropavlovsk the crews were left on the coast without shelter, food, and clothing; that the skippers, under threats of exile to the Siberian mines, were forced to sign a declaration that they had fished in Russian waters; that their clothing, money, and valuables were stolen by Russian officers, who dragged down the British flag from

the schooners and trampled it under foot. For Russian readers, a denial of these assertions is unnecessary; their flagrant absurdity is patent. But, for the sake of the foreign press, it is indispensable that the first authentic information received by telegraph should be communicated.

It is manifest that on the fundamental question of the violation of international law the reports of the English skippers are wholly untrustworthy, for their log-books were carelessly kept, and not up to date, while their chronometers had not been corrected for some time. According to the English accounts of the affair, the three schooners *Willie McGowan*, *Ariel*, and *Rosie Olsen*, were captured 41, 30, and 32 miles respectively from the nearest Russian coast; as a matter of fact the distances were 21, 22, and 18 miles. Three other schooners, *Vancouver Belle*, *Maria*, and *Carmolite*, were, in the same way, captured 18, 8, and 8 miles from the coast. It is not surprising that almost all the arrests took place outside of our territorial waters, for as soon as the gun-boat was sighted they put about and hoisted sail, so that in some cases they had to be chased for more than an hour and a-half at the rate of 13 knots. Those schooners only were confiscated whose log-books showed that they had fished in our waters, and confirmation of the fact was found in their charts, on which points were marked on the coasts and round the islands. On some vessels were found skins still unsalted, and not even removed from the animal. Three schooners were released with a warning. On the papers of all those which were captured may be seen endorsements by American and English officers, ordering the ships to leave American waters, to cross the line of demarcation, and not return under pain of seizure. The protocols were signed by the skippers, in two cases with reserves, which are, however, acknowledged to be unworthy of consideration. No declaration was made which might have been taken to show that reprehensible treatment had been resorted to. The conduct of our officers during the search was in every case irreproachable. The accusation concerning the insult to the flag is equally false; the British flag was not replaced by the Russian until the ships had been declared to be confiscated. On board the gun-boats the skippers and mates had separate quarters, and an officer's mess; the crews had scamen's rations—tea and coffee. The crews of the schooners behaved very well on board the gun-boats, expressed thanks for the care that had been taken of them, and made no complaints. The skippers of the schooners *Maria* and *Carmolite* testified to this in writing. The skipper of the *Vancouver Belle* sent a letter of thanks to the Commander of the *Zabiaka*, Captain de Livron.

On reaching the coast the crews received from the local authorities board-money, at the rate of 15 copecks a-day. In

Petrovavlovsk the conduct of the crews of the *Ariel*, *Willie McGowan*, and *Rosie Oslen* was disgraceful; they got drunk, committed assaults, insulted the inhabitants, and even the officers. The local police force being too weak to cope with them, armed assistance from the gun-boat *Zabiaka* was necessary to quell the disorder. The skipper of the *Rosie Olsen*, in consequence of his impudence to the Commander of the gun-boat *Zabiaka*, was forcibly removed from the cabin. There were no other misunderstandings. The small yield of the seal fishery on Copper Island this year confirms the information already received, viz., that the rookeries have been half ruined by pirates, chiefly English.

Sir R. Morier to the Earl of Rosebery.—(Received October 28.)

MY LORD,

St. Petersburg, October 25, 1892.

WITH reference to my despatch of the 16th instant, inclosing a copy of a note which I had addressed on that day to M. Chichkine inquiring at what distances from the shore the capture of the Canadian sealers was effected by the Russian cruisers, I have now the honour to transmit herewith to your Lordship a copy of the reply from the Russian Government, the inclosure in the note being a French translation of the communiqué in the "Official Messenger," a translation of which I had the honour to transmit to your Lordship in my despatch of the 21st instant.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure.)—M. Chichkine to Sir R. Morier.

Ministère des Affaires Étrangères,

M. L'AMBASSADEUR,

le 1^{er} Octobre, 1892.

LE "Messenger Officiel" a publié à la date du 31 Octobre un article qui relate de la façon la plus circonstanciée tous les faits se rapportant à la capture par nos croiseurs de quelques schooners Canadiens qui se livraient au braconnage dans nos eaux territoriales. Cet article spécifie, entre autres, à quelle distance de nos côtes la capture a eu lieu. Votre Excellence ayant bien voulu m'exprimer, par son office du 1^{er} courant, le désir de posséder cette indication, je m'empresse de lui communiquer, en traduction Française, empruntée au "Journal de Saint-Petersbourg," les données en question, qui complètent sous ce rapport ma note du 1^{er} Octobre année courante.

Veuillez, &c.,

Sir R. Morier.

CHICHKINE.

Sir R. Morier to the Earl of Rosebery.—(Received December 7.)

MY LORD,

St. Petersburg, November 29, 1892

I HAVE the honour to inform your Lordship that I have this day addressed to M: Chichkine the note of which I inclose a copy herewith, on the subject of the capture by Russian cruisers of Canadian seal-ships in the Pacific. I have, &c.,

The Earl of Rosebery.

B. B. D. MORIER.

(Inclosure.)—*Sir R. Morier to M. Chichkine.*

M. LE CONSEILLER PRIVÉ, *St. Petersburg, November 17, 1892.*

I AM now in a position to submit to your Excellency the various affidavits and other documents received from Ottawa in connection with the recent captures of Canadian sealing-ships by Russian cruisers.

In your Excellency's note of the ^{3rd}/_{15th} October you have been so good as to furnish me with a *primâ facie* telegraphic reply received by Admiral Kremer to the inquiries made by Mr. Howard in his *aide-mémoire* of the 16th September. You state that this telegraphic information contains a complete reply to the "lying statements" of the British crews. Whilst fully understanding the irritation caused by statements derogatory to the Russian national honour, I cannot admit that the answer of the Commander of the Russian Pacific Fleet disposes of all the questions raised in the *aide-mémoire* of the 16th September, and I would venture to deprecate the use of strong language in reference to a question of exceptional delicacy which requires to be treated on both sides with a friendly determination to arrive at a fair and equitable settlement.

Your Excellency may rest fully assured that Her Majesty's Government will ask for nothing but what they are justified by international law and international comity in claiming, and, on the other hand, I feel assured that the Imperial Government will not on their side refuse what international law and international comity decide that they should grant.

The complaints of the Canadian fishermen fall under two heads: first, the treatment they declare they experienced at the hands of their captors; and, secondly, the illegality of the captures themselves, in that they were effected on the high seas at considerable distances from Russian territorial waters.

In reference to the first there is apparently an irreconcilable contradiction between the sworn evidence of the masters and crews of the three ships, the *Ariel*, *Willie McGowan*, and *Rosie Olsen*, and the statements made by the Commander of the Imperial Pacific squadron; but a careful examination of the affidavits on one side,

and of your Excellency's note on the other, shows that the discrepancy is not so great as it at first appears.

The Commander of the Imperial Pacific squadron lays exceptional stress upon the good treatment which the officers and crews of the captured ships received on board the *Zabiaka*, and he appeals to the testimony of the officers of the *Mary*, the *Carmolite*, and the *Vancouver Belle* to prove the kindness and courtesy which they had met with. Now, in the affidavits transmitted herewith it will be perceived that no complaints are made with reference to the treatment of the officers and crews whilst on board the *Zabiaka*, and immediately within the power of the Captain of that ship; the complaints begin after the crews were landed and left to look after themselves on shore.

The alternative which seems to have presented itself to Captain de Levron appears to have been either to send the captains and crews to be tried at Vladivostock on the charge of raiding or at once to confiscate the ships and turn the crews adrift. In all three cases the masters inquired what was to become of them when they landed at Petropavlovsk. In each case they were told that from the moment they left the cruisers the captains would be no longer responsible for them. It was clear, under these circumstances, that it became the duty of the civil authorities of the town to provide for the wants of destitute foreigners landed upon their shores against their will. This duty the sworn evidence shows to have been flagrantly neglected. The "Ispravnik" could not at first be induced to act at all, and then assigned a filthy room 10 feet by 18 feet in which the crews of the *Ariel* and *Willie McGowan*, in number about forty-seven, were lodged, with so little room that a number of them were forced to sleep outside on the hard ground. By the kindness of a local merchant, M. Malvanonsky, the captain and the white men of the *Rosie Olsen* were accommodated in an empty warehouse. The allowance of 15 copecks a-day for food seems only to have been commenced on the 3rd August, the crews having already been on shore for several days.

I should add that there was one great hardship which all the crews bitterly complained of, that of insufficient clothing; and that it does not appear to me that the matter was inquired into and remedied as it ought to have been. For instance, the crew of the *Ariel* was roused at 4:30 A.M., and compelled at once, and without the opportunity of properly clothing themselves, still less of taking their kits with them, to go on board the *Zabiaka*. On arriving at Petropavlovsk the master asked Captain de Levron to be allowed to go on board the prize and fetch his clothes. This was at once granted. When Mr. McLeod got on board the *Ariel*, however, found that everything had been ransacked, and that all his clot

and other property were gone, though by whom this had been done there is no evidence to show. Now, it is clear that this was a matter which, for the good name of the Russian prize crews, ought to have been rigidly inquired into.

Finally, the masters complained of the very hard conditions stipulated for by Captain de Levron with the master of the American ship *Majestic* for repatriating the crews. On the other hand, in the telegram of the Commander of the Imperial Pacific squadron it is stated that the crews of the *Ariel* and *Willie McGowan* were guilty of mutinous and disorderly conduct, and required to be brought to order by the use of force.

Though, as I observed before, an impartial examination of the evidence, with the allowance due for exaggeration on the part of men smarting under a sense of hardship and injustice, would seem to show that the undoubted ill-usage experienced by the officers and crews of the three ships during their sojourn at Petropavlovsk is to be imputed rather to the civil authorities of the town than to the Russian naval officers, it is nevertheless certain that there is a conflict of evidence which it would be impossible to clear up without a searching inquiry before a properly constituted Court in which evidence on both sides would be admitted.

Her Majesty's Government, therefore, confidently hope that when the case of these three ships is brought on for adjudication before a regularly constituted Tribunal, the treatment of the officers and crews at Petropavlovsk will form the subject of a judicial inquiry, and that counsel will be heard on behalf of the officers and crews of the three ships.

I have now to deal with the second complaint of the British crews, viz., that they were unlawfully captured on the high seas at distances varying from 43 to 25 miles from Russian territorial waters. In the conversation I had the honour to hold with your Excellency on the 23rd September, you defended the capture of the sealers by the following argument:—Admitting, you said, that the sealers had not been actually caught within the Russian territorial waters, you argued that if a ship was found poaching in the territorial waters and pursued thence into the open sea, it would be a hard case were the pursuing cruiser debarred from the right of capturing her, and you used the illustration of the surprise of a burglar in *flagrante delicto* within your house and the pursuit and capture of him in the street. I believe this to be a correct view, and I have little doubt that it is shared by Her Majesty's Government. But, in order that the right of capture on the high seas under these circumstances should be made perfect, it is necessary that the offence and flight should be continuous, and pursuit begun whilst the vessel is still within territorial waters.

This would seem to reduce the case of the three sealers to very simple proportions.

Though there is a discrepancy between the distances from the nearest Russian land as calculated in the British and Russian cases, they are in each case far beyond the 3-mile limit constituting the territorial waters.

The only question to be decided, therefore, is whether the three ships were discovered, by the cruiser *Zabiaka* or the commissioned merchant-ship *Kotik*, actually poaching within the 3-mile limit, and were pursued thence respectively 43 miles, 40 miles, and 25 miles into the open sea, and there captured.

Now, it comes out quite clearly from the inclosed affidavits and the Russian protocols accompanying them that in not one of the cases was the capture the final act of a previous pursuit initiated in the territorial waters of Russia. The protocols drawn up by Captain de Levron, printed on pp. 6 and 19 of the inclosed affidavits, prove this beyond a doubt. He comes across the two schooners casually, knows them at once to be sealers, boards them, finds dead seals and fresh seal-skins, and forthwith confiscates the ships and makes their crews prisoners, although the fact appears to be that when he sighted the schooners they were beyond territorial waters at a distance of 15 and 20 miles respectively from the nearest Russian territory. The case of the *Rosie Olsen* is still more conclusive, if this were possible, for at the time when she was captured she was actually engaged in her legitimate occupation of sealing in the open sea, her boats being all out at the time, and having to be collected by the *Kotik* before they could proceed. How could she under such circumstances have been escaping pursuit? The plea of pursuit from territorial waters is never even incidentally put in. In every case the ground of capture alleged is that the ships were taken in Russian waters with proofs on board that they had been engaged in catching seals in territorial waters off the Commander and Copper Islands. What these proofs can have been it is difficult to understand. It cannot be supposed that the skins could afford evidence that a particular seal had been caught within 3 miles of the coast and not out at sea. All the information in the possession of Her Majesty's Government tends to show that the vessels had carefully avoided fishing, or even approaching, within 3 miles of the Russian coast; indeed, the masters and other deponents assert that they had kept at a much greater distance. No testimony has hitherto been produced which invalidates these statements. It seems clear, therefore, that Captain de Levron and M. Grebnitsky mean by "Russian waters" something wholly different from the 3-mile limit recognized generally by international law, and specially by the Russian Government in regard to these very

as constituting territorial waters. They talk of their right to seize ships which can be proved to be sealers at any and every distance from the shore, at 1,000 miles if necessary, so long as there is proof, even if it were only the presence of salt, of their being sealers. This language has been used by M. Grebnitsky not only now, but so far back as 1888 in connection with the capture of the *Araunah*.

It is clear, therefore, either that these officers are unacquainted with the rules of international law which govern the case, and the special declarations of the Imperial Government in reference to these seas, or that being acquainted with them they have deliberately set them at defiance. That Captain de Levron was working upon a deliberate theory on the subject seems clear from the affidavit of John McLeod, master of the *Ariel* (p. 9), who asks Captain de Levron, "Are you seizing my vessel?" He said, "Yes." "I asked him what he was seizing her for." He said, "You are in Russian waters" He added, "The Americans claim one side of the line of demarcation, we claim the other." Accordingly, from a review of all the facts connected with the present cases, no less than those that were elicited in the case of the *Araunah*, it seems to me to be clear that the local Russian officers in those seas have, despite the declarations of the Russian Government to the contrary, been acting on the theory that the sea to the west of the so-called line of 1867 is a Russian *mare clausum*, though this theory is difficult to reconcile with their ignorance of the state of things created by the Order in Council of the 23rd June, 1891,* and the *modus vivendi* agreed to between ourselves and the United States.

Everywhere the greatest stress is laid on, and astonishment displayed at, the certificates produced by the sealers, testifying to their having been warned against sealing in the waters to the east of the line of demarcation, as if this were a great aggravation of their offence. Even your Excellency seems to be under a misapprehension on the subject, as you observe in your note of the ^{3rd}₁₈₉₁ October that it is clear, from the ships being turned out of these seas, that their notorious habits of poaching must have been well known to our authorities.

This is not so; they were warned, not because they were known to be poachers, or had been caught poaching, but because all sealing to the east of the line of demarcation, whether on the open sea or near the coasts, was prohibited by the Order in Council of June 1891. It was as sealers, and not as poachers, that they were warned. In each case they asked the officers of the British and American ships who warned them whether, on crossing to the west

of the line of demarcation, they were at liberty to fish, and were told, and correctly told, that so long as they kept clear of Russian territorial waters, and confined their operations to the high seas, they were at liberty to fish. This had likewise been explained to them before they left Victoria, where they had been specially warned to avoid Russian territorial waters, and to keep to the high seas.

Such is the case which I have been instructed by Her Majesty's Government to submit to your Excellency's consideration. They do not doubt that, as it is admitted that the seizures took place outside the territorial jurisdiction of Russia, the confiscation of the vessels will be reversed, and that these will be restored to their owners, with compensation for the loss sustained. With regard to the alleged ill-treatment of the crews, they propose to await the result of the searching inquiry which your Excellency has assured me would be instituted before advancing any definite claim on behalf of the owners and crews, and they have too much confidence in the equity and humanity of the Russian Government not to suppose that they will offer immediate and adequate reparation if the proceedings of the Russian officers should prove to be correctly described in the inclosed papers.

I have, &c.,

M. Chichkine.

R. B. D. MORIER.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, December 12, 1892.

I TRANSMIT to your Excellency copy of a letter from the Colonial Office relating to the boarding of the British sealing-schooner *O. H. Tupper*, by the Captain of the Russian cruiser *Zabiaka*.

I request that your Excellency will point out to the Russian Government that the *O. H. Tupper*, when boarded, was 59 miles distant from the nearest Russian territory, and call their attention to this interference with a British vessel outside Russian territorial jurisdiction.

You should add that no claim for compensation has, as yet, been received from the owners of the *O. H. Tupper*, but that Her Majesty's Government must reserve to themselves the right of presenting such claim, if it should be made, as no doubt it will.

I am, &c.,

Sir R. Morier.

ROSEBERY.

Sir R. Morier to the Earl of Rosebery.—(Received December 26.)

MY LORD,

St. Petersburg, December 16, 1892.

I HAVE the honour to transmit to your Lordship herewith a copy of a note which I have this day addressed to M. Chichkine, forwarding the affidavits of the masters of the *Sayward* and *Marvin*.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure.)—Sir R. Morier to M. Ohichkine.

M. LE CONSEILLER PRIVÉ, *St. Petersburg, December 18, 1892.*

WITH reference to my note of the 17th ultimo, and to previous correspondence on the subject of the capture of Canadian sealingships by Russian cruisers, I have the honour to inclose herewith copies of the affidavits of the masters of the schooners *Sayward* and *Marvin*, and to express to your Excellency the hope that the cases of these vessels may receive the consideration of the Imperial Government in connection with the incidents of a similar kind which I have already brought to your notice.

The deposition of the captain of the *Sayward* appears to establish the fact that that vessel lay at a distance of 20 miles from the nearest point of the Commandorski group, when three of her boats, which were engaged in seal-hunting, were captured, with their crews, by a Russian steam-launch. Presumably, the distance which divided the schooner from her boats was not great, and it would therefore follow that the sealing operations were conducted outside Russian territorial waters.

The loss of one of her boats by the *Marvin* occurred on the high seas, in a dense fog; and the master sees strong reason to suspect, although he has no positive knowledge of the fact, that his boat, like those of the *Sayward*, became a prize to a Russian ship. But the fate of this boat and of her crew continues to be the subject of grave anxiety, and I should feel greatly obliged if your Excellency would afford me any information in the matter which it may be in your power to give.

I avail, &c.,

M. Ohichkine.

R. B. D. MORIER.

Sir R. Morier to the Earl of Rosebery.—(Received December 26.)

MY LORD,

St. Petersburg, December 21, 1892.

WITH reference to previous correspondence on the subject of the capture of Canadian sealers by Russian cruisers, I have the honour to transmit to your Lordship herewith copies of two notes which

I have this day addressed to the Russian Government with respect to the cases of the *Maria*, *Carmolite*, and *C. H. Tupper*.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(*Inclosure 1.*)—*Sir R. Morier to M. Chichkine.*

M. LE CONSEILLER PRIVÉ, *St. Petersburg, December 31, 1892.*

WITH reference to my note of the ^{2nd}_{14th} instant, and to previous correspondence on the subject of the capture of Canadian sealing-ships by Russian cruisers, I have the honour to inclose copies of the affidavits of the masters of the *Maria* and *Carmolite*.

The two cases which I now lay before your Excellency are closely similar in character. In both instances the captures were effected in the neighbourhood of Copper Island: the masters had been careful, as their depositions show, to avoid trespassing within the limits of Russian territorial waters; the ships were sighted outside of those limits by Russian steamers, and confiscated, together with their boats, guns, and seals, by the Imperial authorities. Your Excellency will observe that the distance of the *Maria* from the shore at the time of her capture was computed by the Commander of the *Kotik* in person.

I submit these cases to your Excellency in the full confidence that they will receive from the Imperial Government the consideration which they call for.

I avail, &c.,

M. Chichkine.

R. B. D. MORIER.

(*Inclosure 2.*)—*Sir R. Morier to M. Chichkine.*

M. LE CONSEILLER PRIVÉ, *St. Petersburg, December 31, 1892.*

WITH reference to my note of this day's date, and to previous correspondence on the subject of the capture of Canadian sealing-ships by Russian cruisers, I have now the honour to bring before your Excellency the complaint which has reached Her Majesty's Government of the boarding of the *C. H. Tupper* by an officer of the *Zabiaka*.

The deposition of the master of the schooner, of which I inclose a copy, leaves no room for uncertainty as to the facts of the case. On the 10th August, 1892, the *C. H. Tupper*, being in latitude 53° 50' north, longitude 166° 7' east, and 59 miles from the nearest Russian territory, having up till that time not approached within 60 miles of the Asiatic shore, was boarded by an officer of the Russian cruiser *Zabiaka*, her log-book and papers overhauled, and her master ordered to cease sealing in those waters.

For the present I do no more than draw your Excellency's attention to the potent illegality of such interference with a British vessel outside Russian territorial jurisdiction; but I am instructed by Her Majesty's Government to add that they must reserve to themselves the right of presenting subsequently to the Imperial Government the claim for compensation which the owners of the vessel will undoubtedly advance.

I avail, &c.,

M. Chichkine.

B. B. D. MORIER.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, December 27, 1892.

DURING a visit paid me to-day by the Russian Ambassador, I alluded to the question of the seizure of Canadian sealers by Russian vessels, pointing out that the Imperial Government should by this time be prepared to give me an answer on the subject. Canadian opinion was naturally excited over the high-handed proceedings of Captain de Levron in the *Zablaka*, and as that officer had returned to Russia, I considered that it was not unreasonable on our part to expect a speedy reply.

I am, &c.,

Sir R. Morier.

ROSEBERY.

Sir R. Morier to the Earl of Rosebery.—(Received December 28.)

(Telegraphic.)

St. Petersburg, December 28, 1892.

I HAVE to-day asked M. Chichkine to push forward the matter of the Canadian sealing-ships.

He states that the case was submitted to His Majesty yesterday, and he ordered that it should be laid before a Special Commission, which should pronounce upon the legal and international questions involved.

Sir R. Morier to the Earl of Rosebery.—(Received January 9.)

MY LORD,

St. Petersburg, January 4, 1893.

I HAVE the honour to transmit to your Lordship herewith the inclosed translation of an extract from the non-official part of the "Official Messenger," giving details, taken from a Vladivostock paper, of the captures of the Canadian sealers in the Behring Sea.

I have, &c.,

The Earl of Rosebery.

B. B. D. MORIER.

(*Inclosure.*)—*Extract from the "Official Gazette" (non-official part), St. Petersburg, December 1 $\frac{1}{2}$, 1892 (copied from the "Vladivostock").*

(Translation.)

LAST August the cruiser *Zabiaka*, while navigating the Sea of Okhotsk, captured four piratical schooners, of which one was American, the remainder being English. Besides the *abiaka*, the cruiser *Vityaz* and the merchant-steamer *Kotik* also captured piratical schooners. The schooner taken by the *Kotik*, whilst on the way to Vladivostock, herself captured a barque, which arrived in Vladivostock with her on the 7 $\frac{1}{2}$ th September. The first to arrive was the American schooner *C. H. White*, on the ^{20th August} 11th September, under the command of a lieutenant and a midshipman, with fifteen seamen, ten from the *Zabiaka*, and five from the *Vityaz*. This schooner (*C. H. White*) is two-masted, and is an excellent sailer; she did the journey from Petropavlovsk to Vladivostock in fourteen and a-half days, though she was three days becalmed. The second of the schooners captured by the *Zabiaka* is called *Willie M. Howan* (? *Willie McGowan*). On the 17 $\frac{1}{2}$ th September the *Vancouver Belle*, the third vessel captured by the *Zabiaka*, arrived; she did the distance from Petropavlovsk to Vladivostock in twenty-two days. An English schooner—the fourth capture of the *Zabiaka*—named the *Arielle* (? *Ariel*), arrived on the ^{10th} 22nd September. The total number of seal-skins found on the captured vessels was 1,000. In addition, there were 600 skins on the two-masted schooner *Carmolite*, captured by the *Vityaz*.

Sir R. Morier to the Earl of Rosebery.—(Received January 9.)

MY LORD,

St. Petersburg, January 6, 1893.

WITH reference to my despatch of the 21st ultimo, and to previous correspondence, I have the honour to transmit to your Lordship herewith a copy of a note I have just received from the Russian Government in reply to my notes of the 14 $\frac{1}{2}$ th November last and the 14 $\frac{1}{2}$ th and ^{9th} 21st ultimo, with regard to the capture of Canadian sealers by Russian cruisers.

I have, &c.,

The Earl of Rosebery.

B. B. D. MORIER.

(Inclosure.)—*M. Chichkine to Sir R. Morier.*

Ministère des Affaires Étrangères,

M. L'AMBASSADEUR,

Saint-Petersbourg, le ^{24 Décembre, 1892} _{8 Janvier, 1893}

A LA suite des notes de votre Excellence en date du $\frac{1}{4}$ Novembre dernier et 4 et 9 Décembre courant, relative à la capture par nos croiseurs de plusieurs schooners Canadiens près des Iles du Commandeur pour la chasse aux otaries, je n'ai pas manqué de m'adresser aux autorités compétentes pour obtenir des informations détaillées à ce sujet.

Dès que ces informations seront parvenues au Ministère Impérial, il s'empressera de vous faire tenir sa réponse, ce qui ne saurait, toutefois, avoir lieu à bref délai, étant donné le temps nécessaire pour que les renseignements en question arrivent à Saint-Petersbourg.

En portant ce qui précède à la connaissance de votre Excellence, je saisis, &c.,

Sir R. Morier.

CHICHKINE.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, January 18, 1893.

I TRANSMIT to your Excellency herewith copies of letters from the Colonial Office relative to a Memorial received from the owners of sealing-vessels and others in Canada engaged in the sealing industry, asking to be informed in what waters of the North Pacific Ocean, especially on the Asiatic side, they will be at liberty to pursue their fishing operations during the season for which preparations are now being made.

You are aware that the Russian Government declined to join in the arrangement come to between Great Britain and the United States in 1891, and renewed in 1892, for the suspension of sealing in a portion of Behring Sea, and Her Majesty's Government gathered from the language used at that time, and from previous published utterances of the Russian Government, that Russia made no claim to prohibit sealing in the waters adjacent to her territories, except within the ordinary and recognized territorial limit of 3 miles from the coast.

But the seizures of British vessels by the Russian authorities in Behring Sea during the course of last year, at considerable distances from land, render it expedient to arrive at some definite understanding of the attitude of the Russian Government in this respect.

I have therefore to request that your Excellency will inform the Russian Government of the application that has been made by the Canadian sealers. You will state that, in the opinion of Her

Majesty's Government, which they doubt not will be shared by that of Russia, the memorialists ought in justice to receive early information as to the limits within which they may lawfully and safely pursue their industry.

As at present advised, Her Majesty's Government propose to inform them that the *modus vivendi* agreed upon between Great Britain and the United States having been prolonged during the pendency of the arbitration on the questions in dispute between those two Powers, sealing will be entirely prohibited during the next season in the waters affected by that agreement, but that outside those waters sealing-vessels will be at liberty to pursue their avocation, provided that they are careful not to infringe the Russian Regulations, which strictly prohibit the pursuit of seals and other similar animals within 8 miles of the Russian coasts and islands.

Before making this communication, Her Majesty's Government think it right to inform the Russian Government, as a matter of courtesy, and in order to avoid the risk of misunderstanding.

They would wish to receive the earliest intelligence if the Russian Government make any objection to its terms, and I should be glad therefore to receive a report from your Excellency on the subject by telegraph.

I am, &c.,

Sir R. Morier.

ROSEBERRY.

Sir R. Morier to the Earl of Rosebery.—(Received January 31.)

MY LORD,

St. Petersburg, January 25, 1893.

I HAVE the honour to transmit to your Lordship herewith a copy of the note I addressed to M. Chichkine on the 23rd instant with regard to sealing in the waters of the North Pacific Ocean, in compliance with the instructions contained in your Lordship's despatch of the 18th instant.

I have, &c.,

The Earl of Rosebery.

B. B. D. MORIER.

(Inclosure.)—Sir R. Morier to M. Chichkine.

M. LE CONSEILLER PRIVÉ,

St. Petersburg, January 11, 1893.

I HAVE been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to your Excellency that Her Majesty's Government have received a Memorial from certain sealing captains actually engaged in preparations for the impending sealing season in the Behring Sea. These persons wish to be informed what waters of the North Pacific Ocean are open to them for sealing purposes, especially on the Asiatic side, and within what

limits they may count upon protection. Her Majesty's Government are of the opinion, which they do not doubt the Russian Government will share, that these memorialists ought in justice to receive early information as to the limits within which they may safely pursue their industry.

As at present advised, Her Majesty's Government propose to inform them that the *modus vivendi* agreed upon between Great Britain and the United States having been prolonged during the pendency of the arbitration on the questions in dispute between these two Powers, sealing will be entirely prohibited to their respective subjects and citizens during the next season in the waters affected by that agreement; but that outside those waters sealing-vessels will be at liberty to pursue their avocation provided they are careful not to infringe the Russian Regulations, which strictly prohibit the pursuit of seals and other similar animals within 3 miles of the Russian coasts and islands.

Before making this communication to the memorialists, Her Majesty's Government think it right to inform the Imperial Government as a matter of courtesy, and in order to avoid the risk of misunderstanding.

Should the Russian Government make any objection to the terms of this reply, Her Majesty's Secretary of State would wish to receive the earliest intelligence of such objection, and I would therefore beg your Excellency to communicate with me on the subject at your earliest possible convenience.

I avail, &c.,

M. Chichkine.

R. B. D. MORIER.

Sir R. Morier to the Earl of Rosebery.—(Received January 31.)

MY LORD,

St. Petersburg, January 25, 1893.

I CALLED upon M. Chichkine to-day, and asked him whether he was in a position to give me an answer to the note I had addressed to him on Monday respecting the Memorial addressed to Her Majesty's Government by certain sealing captains, who inquired what waters of the North Pacific Ocean would be open to them for sealing purposes this season. His Excellency said that he would not be able to do so until my note had been returned from the Ministry of Domains, which was the Department which dealt with the question of sealing, and to which it had been sent. He would press its return, but there could be no doubt what the answer would be. The Russian Government were not at present raising the pretension of prohibiting seal fishing on the high seas, but were only determined to stop the resolute and organized attacks made upon the rookeries within her territorial waters. I said that the

strongest warning would be given to British sealers to abstain from violating Russian territorial waters, and that Her Majesty's cruisers would be instructed accordingly.

His Excellency stated, incidentally, that he believed that in the case of the sealers captured last season, it would be found that none of them had been taken illegally; for if they had been seized outside territorial waters, it was after the clearest proof that they had just emerged from them. I said this was a matter of evidence in each particular case, which I could not attempt to judge; but that from the statements made by the Russian cruisers themselves, it was difficult to admit that the captures were lawful.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

Sir R. Morier to the Earl of Rosebery.—(Received February 28.)

MY LORD,

St. Petersburg, February 25, 1893.

WITH reference to my despatch of the 25th ultimo, I have the honour to transmit to your Lordship herewith a copy of a note I have just received from the Russian Government, in reply to mine of the ^{11th}~~2nd~~ ultimo, on the subject of sealing in the North Pacific.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure.)—M. Chickine to Sir R. Morier.

Ministère des Affaires Étrangères,

M. L'AMBASSADEUR,

le 1^{er} Février, 1893.

PAR votre note du 1^{er} Janvier vous avez bien voulu m'informer que plusieurs capitaines de navires destinés à la chasse des otaries dans la Mer de Behring ayant demandé à être renseignés sur les limites dans lesquelles il leur serait loisible de pratiquer leur industrie, le Gouvernement Britannique se proposait de leur répondre que la chasse aux otaries resterait jusqu'à nouvel ordre complètement interdite dans les limites de la ligne de démarcation convenue en 1891 entre l'Angleterre et les États-Unis d'Amérique, mais qu'elle était libre en dehors de ces limites, sauf les eaux territoriales de la Russie. En même temps, votre Excellence m'a demandé de lui communiquer les objections éventuelles que le Gouvernement Impérial pourrait être dans le cas de former contre cette déclaration.

Tout en vous remerciant, M. l'Ambassadeur, de cette démarche dont le Gouvernement Impérial prend acte, je m'empresse de vous

informer que la question des mesures à prendre pour empêcher la destruction de la race des otaries ayant été depuis quelque temps mise à l'étude, j'ai dû attendre les résultats préliminaires de ce travail pour répondre à la note que vous avez bien voulu m'adresser.

En abordant aujourd'hui la question de la chasse aux otaries, je crois devoir, avant tout, faire observer à votre Excellence que l'insuffisance de la stricte application en cette matière des règles générales du droit des gens relative aux eaux territoriales a été démontrés par le fait même des négociations ouvertes dès 1887 entre les trois Puissances principalement intéressées dans le but de convenir des mesures spéciales et exceptionnelles.

La nécessité de telles mesures a été, depuis, confirmée par l'entente Anglo-Américaine établie en 1891.

En se prêtant à ces pourparlers et à cette entente, le Gouvernement Britannique a lui-même admis l'opportunité d'une dérogation éventuelle aux règles générales du droit international.

Un point sur lequel il importerait ensuite d'attirer tout particulièrement l'attention du Gouvernement Britannique est celui de la situation absolument anormale et exceptionnelle créée pour les intérêts Russes par les stipulations Anglo-Américaines. Au fait, la prohibition de la chasse dans les limites tracées par le *modus vivendi* convenu en 1891 a eu pour résultat d'augmenter la destruction des otaries sur les côtes Russes dans une proportion telle que la disparition complète de cette race n'y serait plus qu'une question de peu de temps, si des mesures de protection efficaces n'étaient prises sans retard.

Les chiffres suivants le démontrent clairement :—

Le nombre des otaries à tuer annuellement était fixé par l'Administration proportionnellement à leur quantité, les années de 1889 à 1890, avant l'établissement du *modus vivendi* Anglo-Américain, ont donné les chiffres de 55,915 et 56,833, tandis que pour les années 1891 et 1892, après l'entente susmentionnée, ces chiffres sont tombés à 30,689 et 31,315. D'autre part, d'après les données statistiques que le Gouvernement Impérial a pu se procurer, la quantité des peaux d'otaries, de provenance Russe, livrée par les chasseurs sur le marché de Londres s'est par contre accrue pendant ces deux années dans une proportion infiniment plus considérable. Le nombre des navires s'occupant de la chasse et aperçus dans les alentours des Iles Komandorsky et Tulénaw (Robben Island) aurait aussi augmenté considérablement, selon les observations faites par l'Administration locale. Les procédés sauvages et illicites de ces chasseurs ressortent d'ailleurs du fait avéré par les saisies que plus de 90 pour cent des peaux d'otaries emportées par eux sont celles d'otaries femelles qui ne s'éloignent guère à une grande distance de la côte pendant la saison de la

asse et dont la destruction entraîne celle de tous les petits qu'elles nourrissent. Le nombre d'otaries blessées ou abandonnées sur la côte ou dans les eaux territoriales et retrouvées ensuite par les autorités locales constate également le caractère destructeur de la chasse.

Dans cet état de choses nous nous croyons justifiés. M. l'Amiral, en exprimant notre entière confiance que le Gouvernement Britannique admettra l'urgence de mesures restrictives en attendant qu'une réglementation internationale de la chasse aux otaries puisse être établie entre les Puissances principalement intéressées.

Le Gouvernement Impérial pour sa part n'hésite pas à reconnaître que la protection ne saurait être exercée d'une manière vraiment efficace qu'à la suite d'un tel accord. En conséquence il est disposé, dès à présent, à entrer dans ce but en pourparlers avec les Gouvernements de la Grande-Bretagne et des États-Unis d'Amérique ; mais il reconnaît en même temps la nécessité absolue de mesures provisoires immédiates tant à cause de la proximité de l'ouverture de la saison de chasse que pour être à même de répondre, au temps utile, à la question posée dans la note de votre Excellence du 11 Janvier.

À cet effet, et d'après un examen approfondi, le Gouvernement Impérial a cru nécessaire d'arrêter les mesures suivantes qui seraient applicables pour l'année 1893 :—

1. La chasse aux otaries sera prohibée pour tout navire n'étant pas muni d'une autorisation spéciale, à une distance de 10 milles le long de tout le littoral appartenant à la Russie.

2. Cette zone prohibée sera de 30 milles autour des Îles Komandorsky et Tchénew (Robben Island) selon les cartes officielles Russes, ce qui implique la fermeture pour les navires s'occupant de la chasse aux otaries du détroit entre les Îles Komandorsky.

Ces mesures seraient justifiées en ce qui concerne la zone de 10 milles le long du littoral par ce fait, que les navires s'occupant de la chasse aux otaries stationnent généralement à une distance de 7 à 9 milles de la côte, tandis que leurs chaloupes et leur équipage se livrent à la chasse tant sur la côte même que dans les eaux territoriales ; aussitôt qu'un croiseur est signalé au loin, les navires prennent le large, et tâchent de rappeler leurs embarcations en dehors des eaux territoriales.

Pour ce qui concerne la zone de 30 milles autour des Îles, cette mesure est motivée par la nécessité de protéger les bancs désignés par les chasseurs sous le nom de "sealing grounds" qui se trouvent autour des Îles et ne sont pas suffisamment précisés sur les cartes. Ces bancs servent dans certaines saisons de station aux femelles dont la chasse est particulièrement destructive pour la race des otaries à l'époque de l'année où les femelles nourrissent leurs petits,

ou vont leur chercher la nourriture sur les bancs dit "sealing grounds."

En vous priant, M. l'Ambassadeur, de porter ce qui précède à la connaissance du Gouvernement Britannique, je crois utile d'insister sur le caractère essentiellement provisoire des mesures susmentionnées, qui sont arrêtées sous la pression de circonstances exceptionnelles, pouvant être reconnues comme un cas de force majeure et assimilées aux cas de défense légitime.

Il n'entre, bien entendu, en aucune façon dans l'intention du Gouvernement Impérial de contester les règles généralement reconnues quant aux eaux territoriales. Dans sa pensée, loin de porter atteinte à ces principes généraux du droit des gens, les mesures qu'il croit nécessaire de prendre doivent, au contraire, les confirmer comme l'exception confirme la règle.

Le poids des arguments ci-dessus développés n'échappera certainement pas à l'appréciation éclairée du Gouvernement Britannique, et j'ai la ferme confiance qu'il ne se refusera pas de prendre relativement aux navires Anglais destinés à la chasse des otaries des dispositions conformes aux mesures que le Gouvernement Impérial se propose de prendre pour l'année 1893.

De son côté, le Gouvernement Impérial ne manquera pas de donner à ces mesures, en temps utile, la publicité qu'elles comportent.

En outre, et afin de prévenir dans la mesure du possible des malentendus et des contestations en cas d'infraction aux mesures provisoires ci-dessus, ainsi qu'aux règles générales du droit des gens, les croiseurs de la marine Impériale aussi bien que les autorités locales seront munis d'instructions précises définissant nettement les cas où le droit de poursuite, de visite et de saisie des navires en contravention devrait être exercé.

Comme il a été avéré que tout en se tenant en dehors des eaux territoriales et quelquefois même à une distance dépassant les 10 milles, les navires destinés au trafic des otaries envoient une partie de leur équipage et leurs chaloupes sur la côte même dans les eaux territoriales ou à proximité, il sera prescrit par les instructions susmentionnées de poursuivre et de soumettre à la visite tout navire dont les embarcations ou l'équipage auront été aperçus ou saisis se livrant à la chasse aux otaries sur la côte ou dans la zone prohibée par les mesures provisoires pour l'année 1893.

Une forte présomption résultant du fait même de la présence d'embarcations près de la côte ou dans la zone prohibée lors même qu'au premier abord, il aurait été impossible de constater si ces embarcations se livraient ou non à la chasse des otaries; il sera loisible de poursuivre et de soumettre à la visite les navires auxquels appartiendraient ces embarcations.

La saisie sur les navires soumis à la visite d'instruments spécialement employés pour la chasse des otaries sur la côte même, ainsi que des peaux d'otaries dont la plus grande partie seraient celles de femelles, constituerait des présomptions suffisantes pour la saisie du navire, attendu que les otaries femelles ne s'éloignent guère du rivage à plus de 10 milles (à l'exception des bancs situés autour des îles) pendant la saison où elles nourrissent leurs petits.

En informant les capitaines des navires Anglais destinés à la chasse des otaries des mesures provisoires arrêtées pour l'année 1893, le Gouvernement Britannique jugera peut-être utile de leur faire connaître également la teneur sommaire des instructions dont les croiseurs Russes seront munis, en ajoutant que le droit de surveillance sera également confié aux navires de la côte sur le grand mât desquels le Gouverneur des Îles Komandorsky hissera le pavillon douanier de la Russie lorsqu'il se trouvera à bord dans l'exercice de ses fonctions.

Veuillez, &c.,

Sir R. Morier.

CHICHKINE.

Sir R. Morier to the Earl of Rosebery.—(Received March 6.)

MY LORD,

St. Petersburg, March 2, 1893.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which I have addressed to the Russian Government, in compliance with the instructions contained in your Lordship's despatch of the 8th ultimo respecting the seizure of certain British sealing-vessels by Russian cruisers in the North Pacific.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure.)—Sir R. Morier to M. Chichkine.

M. LE CONSEILLER PRIVÉ,

St. Petersburg, February 21, 1893.

WITH reference to previous correspondence, I have the honour to transmit herewith to your Excellency copies of further documentary evidence respecting the seizure of certain British sealing-vessels by Russian cruisers in the North Pacific.

These documents consist, as your Excellency will perceive, of copies of original as well as amended and supplementary sworn statements, declarations, and particulars of claims having reference to the cases of the *Ariel*, *Willie McGowan*, *Rosie Olsen*, *Maria*, and the *Carmolite*, which were brought to your Excellency's notice in my notes of the 14th November and 25th December, 1892, as also of copies of evidence of a similar nature concerning the cases of the British vessels the *Walter P. Hall* and the *Vancouver Belle*, which I

have now the honour to lay before your Excellency for the first time.

From the declaration of John Brison Brown, master of the schooner *Walter P. Hall*, of Maitland, Nova Scotia, which left Victoria on the 13th May, 1892, it would appear that on the 17th August last, while that vessel was 25 miles south-west of Behring Island, she was hailed, and her master ordered by Captain de Levron, of the Imperial cruiser *Zabiaka*, to take his papers on board that vessel, which order was obeyed. After an examination of the papers the chart was demanded, on which were shown the daily positions of the schooner while in waters east of the line of demarcation.

Captain de Levron was apparently satisfied, but notwithstanding that the schooner was, at the time of the interruption, at least 25 miles from the nearest land, he ordered her master to depart "out of Russian waters forthwith."

The master of the *Walter P. Hall* demanded to be informed as to the limits of asserted Russian waters, when Captain de Levron drew on the schooner's chart a line from Cape Chalutka, on the coast of Kamtchatka, to the most southerly point of the Aleutian Islands. He likewise made an entry in the official log of the schooner to the effect that the latter had been within Russian waters for sealing, that her captain had received warning not to cross Russian waters any more, and had signed the notice of the Russian Government.

J. B. Brown acknowledges signing this document, but states that he did so under the threat of seizure and to relieve his vessel and crew from such peril.

He finally points out that this forcible interruption of his legitimate cruise resulted in grievous financial loss to the master, crew, and owners of the *Walter P. Hall*.

The facts as to the case of the *Vancouver Belle* are briefly as follows:—

That schooner, commanded by Captain W. H. Copp, cleared Vancouver in February 1892, to cruise in the North Pacific Ocean and the Sea of Okhotsk, and on learning on the 18th June from the otter-hunting schooner *Olga* that the *modus vivendi* between England and America was again in force, crossed over to the Russian side of the Pacific Ocean.

On the 12th August, when in company with the American schooner *Anaconda* at a point 20 miles distant from the south end of Copper Island, the boats were put out and commenced sealing to the south-west, the vessel being under sail. Shortly afterwards a steamer was sighted to the north-north-east; the boats were recalled and brought on board, having taken no seal that day. The steamer,

which proved to be the Imperial cruiser *Zabiaka*, after coming within distance, fired a gun, when the *Vancouver Belle* hove-to, and the captain, in obedience to a summons, went on board the *Zabiaka*. His papers were examined, and Captain de Levron, after asking him whether his Government did not know that he could not go to the Sea of Okhotsk, and cross-examining him as to his cruise of 1891, said: "Captain, you went to the Behring Sea last year and the American cruisers drove you out; you would have gone this year only were prevented by the same reason, and now you have crossed the American line and come into Russian waters; therefore I will seize your vessel."

Captain Copp protested against the seizure on the ground that, being 24 miles away from any land, he considered he was on the open high sea, and was following a legitimate hunting and sealing business.

To these remarks Captain de Levron replied: "It does not matter to me what you consider to be the line of demarcation of the Behring Sea and the waters of the Pacific Ocean; my instructions from my Admiral are to seize all vessels found sealing north of a line drawn from 3 miles south of the southernmost Aleutian Island on a parallel of latitude to the Kamtchatkan coast; but I use my own discretion and have seized four, and you are the fifth; I could have had twenty as well as four."

After this conversation the vessel was formally seized and her captain and most of her crew were transferred to the *Zabiaka*, where they found fifteen men of the *W. P. Sayward*, who had been captured in boats.

Captain Copp and his crew were treated with great kindness and consideration by Captain de Levron, who expressed great sympathy for the former, stating that he believed in the truth of his protest; as also that it was a misfortune for him that he, Captain de Levron, had seen the other boats and had picked them up, otherwise the *Vancouver Belle* would not have been seized that day. It was finally determined by Captain de Levron, after a correspondence which is given *in extenso* in Captain Copp's declaration, that the *Rosie Olsen*, a British sealing-vessel which had been previously captured, should be condemned as worthless to the Russian Government, her name changed to the *Prize*, and having been provisioned for thirty-seven men, handed over to Captain Copp for his own account to convey him, his crew, and fifteen others, who were entirely destitute, to Vancouver. Soon after reaching Petropaulovski on the 17th August, this arrangement was completed, and when Captain Copp had signed, under protest, a protocol giving the circumstances of the seizure of the *Vancouver Belle*, he started in the *Prize* on the 23rd August, and arrived at Vancouver on the

21st September, when the latter vessel was made over to the British officials.

Captain Copp states that his treatment by the Governor of Petropaulovski was very different from that he received at the hands of Captain de Levron, and complains bitterly of the hardships he had to endure when in that port.

I have the honour to submit these cases to your Excellency, as also the above-named fresh evidence as to the other cases previously submitted, without comment, feeling confident that they will receive the most earnest consideration of the Imperial Government.

I avail, &c.,

M. Chichkine.

R. B. D. MORIER.

The Earl of Rosebery to Mr. de Bunsen.

(Telegraphic.)

Foreign Office, March 10, 1893.

NORTH Pacific sealing.

The Russian Government have proposed to Her Majesty's Government the establishment of a zone round their coasts and islands for the protection of seal life. Steps should be taken by you to warn British sealers clearing for North Pacific from Japanese ports that, before proceeding to neighbourhood of Russian territory, they should take measures for ascertaining provisions which may be agreed to on this subject.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, March 13, 1893.

I HAVE to state to your Excellency that information has been given to the Collectors of Customs at ports in British Columbia of a proposal having been made to Her Majesty's Government by that of Russia for the establishment of a protective zone round the coasts and islands belonging to that Power.

The Collectors of Customs have been instructed to warn sealing-vessels clearing for the North Pacific that they should make arrangements, before they proceed to the vicinity of Russian territory, to ascertain what provisions may be agreed upon between the two Governments for carrying the Russian proposal into effect.

As the sealing-vessels are starting for their cruise in the more southerly portions of the North Pacific Ocean, and do not return to port before they proceed in the summer to Behring Sea, it was necessary that some warning should be given to the above effect.

A warning in the same sense will also be conveyed to sealers

clearing from Japanese ports by Her Majesty's Chargé d'Affaires at Tôkiô.

A reply to M. Chichkine's note of the $\frac{1}{2}$ th ultimo is under the consideration of Her Majesty's Government, and I hope shortly to send it to you.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, March 17, 1898.

HER Majesty's Government have given their most careful consideration to the note of M. Chichkine of the $\frac{1}{2}$ th ultimo, inclosed in your Excellency's despatch of the following day, and stating the measures which the Russian Government deem necessary for the protection of their sealing interests in the North Pacific during the approaching fishery season, and which are submitted to Her Majesty's Government for consideration with a view to their acceptance.

Those measures consist in—

1. The prohibition of sealing to vessels not specially authorized within a zone of 10 miles from the Russian coast.
2. The extension of this prohibitive zone to a distance of 30 miles round Robben Island and the Commander Islands.

For the purpose of securing the due observance of these restrictions, it is proposed that the Russian cruisers should be authorized to pursue and seize all vessels whose boats or crews have been found fishing for seals within the prohibited limits, and further to pursue and search any vessels whose boats have been seen within those limits, whether actually employed in seal hunting or not. In the latter case the presence on board of instruments specially employed in seal hunting or of seal-skins, the majority of which are those of females, is to be held to afford sufficient presumptive evidence to justify seizure.

Her Majesty's Government take note of the statements made in M. Chichkine's note, that the Russian Government have no intention of disputing the generally recognized rules of international law as to territorial waters; that these measures, of an exceptional and provisional nature, are designed to meet a pressing emergency; and that Russia is desirous of entering at once upon discussions with the Governments of Great Britain and the United States with a view to an agreement between the Powers principally interested for the proper control of the sealing industry.

While Her Majesty's Government have not committed themselves to a decided opinion as to the absolute necessity of any particular class of regulations for the preservation of the seal

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*species, they have more than once expressed their willingness to take part in the framing of a general scheme for the protection of the seals which shall have due regard to the various interests concerned.

They quite recognize that the provisions of the *modus vivendi* agreed upon between Great Britain and the United States tends to drive the sealing-vessels of both those nations, which have been accustomed to resort to the eastern part of Behring Sea, to the waters adjacent to the Russian coasts, and the reduced number of seals which it has been deemed advisable to take on the Russian rookeries in 1892 is, undoubtedly, evidence that according to the observation of the local authorities, a substantial decrease has occurred in the seals frequenting those rookeries.

Her Majesty's Government could not admit that Russia has therefore the right to extend her jurisdiction over British vessels outside the usual territorial limits, but they are anxious to afford all reasonable and legitimate assistance to Russia in the existing circumstances. They are ready to enter at once into an agreement with the Imperial Government for the enforcement of the protective zones proposed in M. Chichkine's note on conditions similar to those of their *modus vivendi* with the United States, which it will be observed are of a reciprocal character. The terms of the agreement would be as follows :—

Her Majesty's Government would issue the necessary enactments prohibiting British subjects from seal-fishing within the zones specified by M. Chichkine, and would instruct the Commanders of British vessels of war cruising in the North Pacific to co-operate with the Russian cruisers in enforcing the prohibition. The Russian Government would engage to hand over to the British cruisers, or to the nearest British authority, any British vessels seized by Russian cruisers, outside the 3-mile limit, for infraction of the Regulations, in order that such vessels might be duly adjudicated on by the British Courts. The British naval officers would similarly hand over to the Russian Government any Russian vessels so seized by them.

The Russian Government would further engage that the number of seals to be killed on the Russian seal islands should be limited to a certain specified number to be agreed upon beforehand, or to a certain proportion, to be equally agreed upon, of the total number of seals estimated to have resorted to the islands in the season.

The Russian Government would further allow an Agent of the British Government to land upon the islands for the purpose of consulting with the Russian authorities on the working and observed results of the arrangement.

If these proposals should, as I hope, be agreeable to the Russian

Government, I should be glad to learn at the earliest moment their views as to the limitation which they would agree to place on the number of seals to be killed on the islands. The Reports of the British Commissioners as to the care that, as a rule, has heretofore been taken to prevent any excess in this respect on the Komandorski Islands lead me to believe that there would be no difficulty in arriving at an agreement on this point.

The legislation at present in force in this country only enables Her Majesty's Government to enact the contemplated measures in the waters of Behring Sea, but in the event of an agreement being concluded between the two Governments, Her Majesty's Government would at once apply to Parliament for the necessary powers to extend its provisions to such other portions of the North Pacific as would be affected by it. They would also be ready to concert with the Russian Government as to the precise instructions to be furnished to the Commanders of the cruisers of the two nations. They think it better to reserve until then any criticisms of detail upon some of the Russian proposals in this respect.

Her Majesty's Government assume that this arrangement does not in any way affect the facilities hitherto enjoyed by British vessels when resorting to Russian ports for shelter, repairs, and supplies.

It would of course also be understood that the arrangement would have no retroactive effect, and that the cases of the British vessels seized last year will be considered and dealt with according to the ordinary rules of international law.

In view of the fact that the sealing-vessels are already starting on their voyages, Her Majesty's Government have caused a notice to be issued at once at the ports of British Columbia, warning the owners and masters of such vessels that negotiations on this subject are in progress.

Your Excellency will read this despatch to M. Chichkine, and leave a copy of it with him.

I am, &c.,

Sir R. Morier.

ROSEBERY.

Sir R. Morier to the Earl of Rosebery.—(Received April 22.)

MY LORD,

St. Petersburg, April 18, 1893.

I HAVE this moment received, only a few hours before my departure for the Crimea, the note on the subject of the seal fisheries, of which I have the honour to inclose a copy herewith, in reply to my note of the ^{24th} ~~21st~~ March, transmitting a copy of your Lordship's despatch of the 17th of the same month.

As far as a very cursory examination of the note allows me

to judge, it seems to me fairly satisfactory, with the exception of the paragraph stating the impossibility of the Imperial Government to accept the condition of having to deliver up their captures to our cruisers or to the nearest British authority.

The grounds on which they refuse to do this, however, being of a practical nature, and based on the physical impossibility, with their very limited number of cruisers, to give up watching for poachers in order to hunt for British cruisers or to undertake a voyage of 3,000 miles to get within reach of a British authority, are not easy to refute. But it seems to me that the difficulty may be turned, and I have therefore, in a private letter which I have addressed to M. Chichkine, in order at once to guard against the supposition that we should hand over our crews to Russian jurisdiction, pointed out to him that there might be practical ways of turning the difficulty, such, for instance, as our stationing a cruiser at Petropavlovsk or Vladivostock to take charge of the captures.

I have the honour to transmit herewith a copy of this letter.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure 1.)—*M. Chichkine to Sir R. Morier.*

M. L'AMBASSADEUR,

Le 4^e Avril, 1893.

EN réponse à ma note du 4^e Février, votre Excellence a bien voulu me faire parvenir copie de la dépêche de Lord Rosebery en date du 17 Mars, par laquelle le Gouvernement Britannique propose d'établir immédiatement un *modus vivendi* sur les bases suivantes:—

1. Le Gouvernement Britannique interdirait à ses sujets la chasse aux otaries dans les zones de 80 et de 10 milles, et offrirait la coopération de ses croiseurs pour l'exécution de cette mesure. Le Gouvernement Impérial s'engagerait à livrer aux croiseurs Anglais, ou à la plus proche autorité Britannique, les navires Anglais capturés en dehors des eaux territoriales dans les zones susmentionnées, tandis que les croiseurs Anglais, par réciprocité, livreraient les navires Russes capturés dans les mêmes conditions.

2. Le Gouvernement Impérial limiterait à un chiffre à déterminer le nombre des otaries qui seraient tués sur les îles.

3. Le Gouvernement Impérial autoriserait un Agent du Gouvernement Britannique à se rendre sur les îles, afin de conférer avec les autorités locales sur le fonctionnement et le résultat de l'arrangement.

4. Il resterait entendu que cet arrangement n'affecterait en rien les facilités accordées jusqu'ici dans les ports Russes aux navires Anglais pour refuge, réparation, ou approvisionnement.

5. L'arrangement n'aurait pas de force rétroactive, plus particulièrement en ce qui concerne les navires Anglais capturés l'année dernière.

Je ne saurais entrer en matière, M. l'Ambassadeur, sans avoir au préalable attiré votre attention sur ce fait, que ma note du $\frac{1}{2}$ Février avait pour but de prévenir le Gouvernement Britannique de certaines mesures de défense légitimes imposées provisoirement par des circonstances exceptionnelles, et non pas de poser les bases d'un *modus vivendi* proprement dit, c'est-à-dire, d'une transaction bilatérale, susceptible d'être prolongée jusqu'au règlement définitif de la question.

Il s'agissait simplement d'un *minimum* de mesures protectrices destinées à prévenir la disparition de l'objet du litige avant même l'ouverture des négociations à son sujet.

Vu la proximité de la saison de la chasse, déjà ouverte en ce moment, le Gouvernement Impérial estimait à la date de ma note que le temps matériel ferait défaut pour débattre et pour établir un *modus vivendi*, qui toucherait nécessairement, non pas seulement à des questions d'intérêt, mais encore à des questions de principe.

S'il s'était agi de poser les bases d'un tel *modus vivendi*, le Gouvernement Impérial n'eût pas manqué de faire valoir qu'une restriction des droits territoriaux, c'est-à-dire, l'engagement de limiter le nombre des otaries à tuer sur terre, devrait équitablement avoir pour corollaire la suspension complète de la chasse pélagique en pleine mer. Il aurait surtout cru indispensable de faire ses réserves pour ce qui concerne le règlement définitif de la question des otaries, afin de garder son entière liberté d'appréciation quant aux mesures à convenir dans le but de la conservation de la race des otaries, soit par la prohibition ou la réglementation de la chasse en pleine mer, soit par l'extension des droits spéciaux de protection de cette race au delà des diverses distances communément désignées comme limites des eaux territoriales.

Cependant, ces observations faites, je suis autorisé, M. l'Ambassadeur, à informer votre Excellence que le Gouvernement Impérial, étant désireux de venir au devant de toute proposition conciliante du Gouvernement Britannique, est prêt à accueillir celle qui a été faite dans la dépêche de Lord Rosebery, sauf quelques modifications au premier point.

Ainsi le Gouvernement Impérial serait disposé à limiter pour l'année courante le nombre des otaries à tuer sur les îles au chiffre *marimum* de 30,000, réduisant ainsi de 20,000 le chiffre moyen de 50,000 prévu dans son contrat avec la compagnie d'exploitation.

Il n'objecterait pas à ce qu'un Agent du Gouvernement Britannique se rendît sur les îles afin de s'aboucher avec les autorités

locales et recueillir d'elles des renseignements sur le fonctionnement et les résultats de l'arrangement. Le lieu et l'époque de cette visite devraient, comme de raison, être fixés ultérieurement.

Il n'y aurait, bien entendu, aucune modification quant aux facilités dont les navires Anglais jouissent dans les ports Russes pour refuge, réparations, ou approvisionnements.

L'arrangement convenu n'aurait pas de force rétroactive, attendu que les différents cas de captures effectués l'année dernière ont été déjà examinés par une Commission *ad hoc* sur la base des principes généraux du droit des gens.

Enfin, pour ce qui concerne le premier point de la proposition contenu dans la dépêche de Lord Rosebery, le Gouvernement Impérial est d'avis qu'il ne serait guère possible de l'appliquer intégralement, du moins dans les conditions données pour la saison de chasse actuelle, notamment quant à l'engagement de livrer aux croiseurs Anglais ou à la plus proche autorité Britannique les navires Anglais pris en contravention en dehors des eaux territoriales dans les zones prohibées de 30 et de 10 milles.

Il se pourrait que par la suite l'on trouvât d'un commun accord moyen de remédier aux inconvénients pratiques que présenterait un tel engagement ; mais pour le moment il est hors de doute qu'il paralyserait complètement l'action des croiseurs de la marine Impériale, et rendrait illusoire la surveillance qu'ils devraient exercer le long de la côte et autour des îles.

Au fait, tout croiseur Russe ayant capturé un navire Anglais serait placé devant l'alternatif soit de se mettre à la recherche d'un croiseur Anglais—ce qui pourrait durer longtemps, vu l'extension du littoral—soit d'entreprendre un trajet de 3,000 milles pour conduire au port le plus proche, celui de Victoria en Colombie, le navire capturé.

Les croiseurs Russes seraient ainsi exclusivement occupés à chercher les croiseurs Anglais ou à faire le voyage à Port Victoria aller et retour, pendant toute la saison de la chasse, et la "co-opération" des croiseurs des deux nations ne pourrait donc être que nominale.

Dans cet état de choses, et tout en ne s'arrêtant pas pour le moment sur un autre point essentiel—celui du manque absolu de réciprocité dans la proposition Britannique, vu qu'il n'y a pas et qu'il ne saurait y avoir de navires sous pavillon Russe destinés à la chasse des otaries—le Gouvernement Impérial estime que pour l'année courante il serait plus simple et plus pratique de soumettre les nouvelles zones prohibées, de même que c'est le cas pour les eaux territoriales, à la surveillance exclusive des croiseurs de la marine Impériale, qui continueraient jusqu'à une entente ultérieure à conduire à Pétropavlovsk tous les navires arrêtés en contravention.

En acceptant quatre points sur cinq de la proposition Anglaise, et en n'objectant qu'à l'application intégrale et immédiate de l'un des cinq points, le Gouvernement Impérial croit prouver son désir sincère de voir les pourparlers pendants aboutir à une entente d'une manière suffisante pour que son objection partielle basée sur des considérations purement géographiques ne puisse être interprétée comme un acte de méfiance.

Si le Gouvernement Britannique de son côté acceptait, comme j'en ai le ferme espoir, l'ensemble du *modus agendi* développé ci-dessus, l'on pourrait considérer toute complication éventuelle pour la saison courante de chasse comme étant écartée, et l'on aurait gagné, d'autre part, le temps nécessaire pour s'entendre sur un *modus vivendi* plus défini.

Veillez, &c.,

Sir R. Morier.

CHICKKINE.

(Inclosure 2.)—Sir R. Morier to M. Chickkine.

CHÈRE EXCELLENCE,

St. Petersburg, April 4, 1893.

I HAVE just received your note on the subject of the seals, and have only a few moments before my departure within which to give you my first impressions.

I perfectly understand the practical difficulties in the way of the Russian cruisers delivering their captures to the British cruisers or at a British port. On the other hand, I think I may state confidently that Her Majesty's Government would not consider themselves justified in handing over British subjects and property captured outside of *bond fide* territorial waters to the jurisdiction of any Government but their own. But there ought to be some way of turning the difficulty, such, for instance, as a British cruiser being stationed at Petropavlovsk or Vladivostock.

I have, &c.,

M. Chickkine.

R. B. D. MORIER.

The Earl of Rosebery to Mr. Howard.

SIR,

Foreign Office, May 3, 1893.

HER Majesty's Government have had under their careful consideration the note from M. Chickkine, forwarded in Sir R. Morier's despatch of the 18th ultimo, relative to the proposed arrangement for the protection of Russian sealing interests in the North Pacific Ocean during the present year.

They note with satisfaction that their proposals for this purpose are accepted by the Russian Government with one exception. They trust that the difficulty in regard to this single point

be removed by the suggestion which has since been made, that any British vessels which may be seized by Russian cruisers on the charge of contravening the Agreement shall be delivered at Yokohama for adjudication by the British Consular Court there.

In the hope that this matter will have been satisfactorily settled before this despatch reaches you, I inclose herewith the draft of an Agreement embodying the principles of the arrangement, which you are empowered to sign at once with M. Chichkine or any other member of the Russian Government who may be similarly authorized to that end.

In case of any alterations being suggested in the wording of the Agreement, you will report them by telegraph.

You will impress upon the Russian Government that a speedy conclusion is of capital importance, in order that the necessary legislation may be at once obtained from Parliament, and public notice given to all concerned.

For this reason I defer for the present any discussion on the claim which appears to be advanced in M. Chichkine's note, of a right on the part of Russia to take of her own motion, and without previous agreement with other Powers concerned, the measures contemplated in the arrangement now under negotiation. It will be necessary, however, that in presenting the draft Agreement, you should intimate clearly that Her Majesty's Government cannot admit such a claim, and that they must reserve to themselves full freedom to object to any interference with British vessels outside Russian territorial waters, according to the usual acceptance of the term, which is not based on an express Agreement between the two Governments.

I am, &c.,

H. Howard, Esq.

ROSEBERRY.

*(Inclosure.)—Draft Agreement between Great Britain and Russia
relative to the Seal Fisheries.*

WITH the view to avoid difficulties in regard to the seal fisheries, and to aid in the preservation of the seal species, the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of All the Russias, have concluded the following Agreement:—

ART. I. During the year ending the 31st December, 1893, Her Britannic Majesty's Government will prohibit British subjects from killing or hunting seals within the following limits:

(a.) Within a zone of 10 marine miles following the sinuosities of the Russian coasts which border on Behring Sea and any other part of the North Pacific Ocean.

(b.) Within a zone of 30 marine miles round the Komandorsky Islands, and round Tulénew (Robben Island).

II. Her Britannic Majesty's Government engage to co-operate, with British cruisers, in preventing British subjects from killing or hunting seals within the aforesaid limits.

III. British vessels engaged in killing or hunting seals within the aforesaid limits may be seized either by British or Russian cruisers; but, if seized by the latter, they shall forthwith be handed over at Yokohama, or at any port in the British possessions, or to the Commander of any British ship of war, for trial by the British authorities.

IV. The Imperial Russian Government engage to limit to 30,000 the number of seals which may be killed during the whole of the year 1893 upon or around the said Islands of Komandorsky and Tulénew (Robben Island).

V. It is agreed that a British Agent may, when so desired by Her Britannic Majesty's Government, visit the said islands to confer there with the authorities, and to inquire into the working and results of the present Agreement.

VI. The present Agreement will in nowise affect the facilities hitherto accorded in Russian ports to British vessels as regards refuge, repairs, obtaining supplies, or other matters for which they may properly require access.

VII. It is understood that the present Agreement relates solely to the year 1893. It has consequently no retroactive force or effect, more especially as regards the British vessels captured previously by Russian cruisers.

In witness whereof the Undersigned, duly authorized to that effect, have signed this Agreement, and affixed thereto the seal of their arms.

Done at, &c.

Mr. Howard to the Earl of Rosebery.—(Received May 15.)

MY LORD,

St. Petersburg, May 3, 1893.

DURING my interview with M. Chichkine to-day I informed him that your Lordship had observed that, in his note of the 1st April to Sir Robert Morier respecting the measures proposed to be adopted for the protection, during the coming season, of Russian sealing interests in the North Pacific—which note, as he already knew, was receiving the immediate and careful consideration of Her Majesty's Government—his Excellency had stated that the examination has been made by the Russian Commission *ad hoc* of the several cases of British vessels seized by the Russian cruisers

year. With reference to this statement, I added your Lordship had requested me to urge his Excellency to furnish me with the answer of the Imperial Government to the representations on the subject laid before them by that of Her Majesty at the earliest date possible.

M. Chichkine replied that the Commission had completed their examination of the cases in question, and that I should receive the answer I had requested very shortly. I asked his Excellency when I might really expect this reply, as your Lordship was naturally anxious for information on this point; to which he answered that he could not fix the exact date, but that it would not be long before I received it.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

Mr. Howard to the Earl of Rosebery.—(Received May 16.)

MY LORD,

St. Petersburg, May 12, 1893.

I HAVE the honour to transmit herewith a copy of the note which, in obedience to your Lordship's instructions, I have addressed to the Russian Government in reply to the communication from M. Chichkine to Her Majesty's Ambassador of the 4th April last, relative to the proposed arrangements for the protection of Russian sealing interests in the North Pacific Ocean during the present year.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure.)—Mr. Howard to M. Chichkine.—St. Petersburg,

*April 20
May 12, 1893.*

[See Vol. LXXXV, page 1286.]

Mr. Howard to the Earl of Rosebery.—(Received May 26.)

MY LORD,

St. Petersburg, May 23, 1893.

I HAVE the honour to transmit herewith a copy of the reply of the Russian Government to the note which, in obedience to your Lordship's instructions, I addressed to them on the 12th instant on the subject of the proposed Arrangement for the protection of Russian sealing interests in the North Pacific during the present year.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

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My Lord,
I HAVE received from Mr. ...
11th November, ...
...
The first has reference to the ...

by the crews of some of the sealers for hardships declared to have been suffered at the hands of the officers by whom they were captured. As these were mainly directed against Captain de Livron, Commander of the *Zabiaka*, and have been refuted by the declarations of that officer, who was cited before the Commission and cross-examined by them, I think it right to observe that I have ascertained beyond a doubt that Captain de Livron is a straightforward sailor and an honourable gentleman, quite incapable of the brutalities imputed to him by the captains of the *Willie McGowan* and the *Ariel*. It is also worth remarking that the evidence of some of the other captains, especially that of the master of the *Vancouver Belle*, stand in the strongest contrast with that of the above-named masters. Lastly, the information now furnished to us entirely confirms my view of the case as suggested in my note of the 14th November, that the persons really responsible for the hardships suffered were the civil authorities of Petropavlovsk, and not the naval. As regards these, M. Chichkine states that the aggrieved parties can, in the ordinary course of law, seek redress either from the superior naval authorities or through the competent Tribunals.

The second Memorandum is of far greater importance, because it lays down the general principle in virtue of which the schooners were captured. It is as follows:—

That the canoes and their crews are part and parcel of the schooners; they are the instruments with which the latter carry on their fishing operations, and in the present cases they were furnished with the special appliances, viz., clubs for the destruction of seals on shore, and wholly useless for the purposes of pelagic hunting. A schooner, therefore, whose canoes can be proved to have hunted seals within territorial waters, though herself captured outside those waters, is as criminally responsible for the acts as the canoes themselves, and even if captured in the open seas becomes good prize: "Dans son appréciation de la légalité des captures effectuées la Commission s'est inspirée d'un principe dont on ne saurait contester le bon droit et l'équité. Elle a reconnu de bonne prise tous les bâtiments dont les chaloupes avaient été aperçues ou arrêtées dans nos eaux territoriales. Il est indéniable en effet que les chaloupes constituent, juridiquement parlant, une dépendance du schooner auquel elles appartiennent. Leur saisie dans des eaux territoriales rend par conséquent parfaitement légal l'arrestation du bâtiment dont elles font en quelque sorte partie. S'il en était autrement, un schooner pourrait impunément faire la chasse aux otaries sur les côtes en y envoyant ses chaloupes, et enfreindre ainsi l'inviolabilité des eaux territoriales, tout en se tenant lui-même hors des dites eaux."

Applying this principle to the case of the six captured schooners, M. Chickhine informs me that four of them, the *Marie*, *Rosie Olsen*, *Carmolite*, and *Vancouver Belle*, have been adjudged good prizes, as the evidence that their respective canoes captured seals either actually in the rookeries or within the 3-mile limit was conclusive : whereas, though the moral evidence was equally conclusive in regard to the *Willie McGowan* and *Ariel*, the canoes themselves had not been actually seen within the territorial waters.

Accordingly, as regards the two latter, the Russian Government is ready to entertain the question of indemnifying the owners and the crews.

A fact elicited in the course of these inquiries, viz., the enormous proportion of females—as much as 90 per cent.—found on board the sealers, and caught either while with young or nursing, at a time when it is impossible for them to leave the rookeries, affords a very conclusive proof of the skill and knowledge with which these poaching expeditions are conducted and of their deadly destructiveness.

I have, &c.,

The Earl of Rosebery.

R. B. D. MORIER.

(Inclosure 1.)—*M. Chickhine to Sir R. Morier.*

M. L'AMBASSADEUR,

Saint-Pétersbourg, le 30 Mai
10 Juin, 1893.

J'AI eu l'honneur de recevoir les notes que votre Excellence a bien voulu adresser au Ministère Impérial en date du 1^{er} Novembre, du 1^{er} et du 21^{er} Décembre, 1892, relativement à l'arrestation dans la Mer de Behring de schooners et de chaloupes de pêche Canadiennes par des croiseurs Russes.

Une Commission Spéciale ayant été instituée par Décret Impérial pour l'examen des conditions dans lesquelles ces arrestations avaient été faites, le Ministère Impérial n'a pas manqué de soumettre les dépositions ("affidavits") des capitaines et des équipages des schooners en question annexées aux notes susmentionnées.

En réponse à ces communications je me fais un devoir, M. L'Ambassadeur, de vous transmettre aujourd'hui les deux notices jointes.

Votre Excellence voudra bien relever de la lecture de la première de ces pièces qu'elle fait justice des assertions des équipages Canadiens quant aux privations qu'on leur aurait infligées à Pétro-pavlovsk. De l'avis du Gouvernement Impérial la Commission a pleinement élucidé cette matière. Toutefois, si les intéressés le jugeaient nécessaire, ils ont la faculté de se servir du recours régulier institué par la loi, pour présenter leurs réclamations soit à l'autorité supérieure de la Marine, soit au Tribunal compétent.

Quant aux déclarations des capitaines des bâtiments Canadiens, d'après lesquelles ils auraient été menacés d'être traduits devant une cour martiale ou déportés en Sibérie, la Commission ne les a pas cru de nature à être prises au sérieux. Formellement niées par le Capitaine de Livron, ces menaces n'auraient eu aucune raison d'être déjà par ce fait, que la signature du protocole d'arrestation par le capitaine du schooner n'était nullement indispensable pour la validité de cet acte.

La Commission a relevé en même temps comme entièrement mal fondée une déclaration du capitaine de l'*Ariel* se rapportant à une prétendue insulte que nos marins auraient faite au pavillon Britannique. Une telle assertion aurait constitué une offense à notre propre flotte, si son auteur s'était rendu compte de sa portée, et avait bien pesé ses paroles au lieu de viser uniquement à exciter des susceptibilités nationales. Ni la discipline militaire, ni le respect de tout pavillon étranger comme tel, qui caractérise nos marins, ne permettent de supposer un seul instant que des hommes d'un équipage de guerre Russe aient pu se permettre une offense vis-à-vis du pavillon d'une nation amie. Le Capitaine de Livron a affirmé à la Commission de la façon la plus formelle qu'au moindre fait de ce genre il se serait livré sur ces lieux mêmes à la plus sévère enquête.

La seconde notice ci-près contient un examen détaillé des circonstances qui ont accompagné l'arrestation des schooners et de leurs chaloupes. Dans son appréciation de la légitimité des captures effectuées par les Commandants des croiseurs Russes et par le Chef d'Arrondissement des Iles du Commandeur, la Commission s'est inspirée d'un principe dont on ne saurait contester le bon droit et l'équité. Elle a reconnu de bonne prise tous les bâtiments dont les chaloupes avait été aperçues ou arrêtées dans nos eaux territoriales. Il est indéniable, en effet, que les chaloupes constituent juridiquement parlant une dépendance du schooner auquel elles appartiennent. Leur saisie dans des eaux territoriales rend par conséquent parfaitement légale l'arrestation du bâtiment dont elles font en quelque sorte partie. S'il en était autrement, un schooner pourrait impunément faire la chasse aux otaries sur les côtes en y envoyant ses chaloupes, et enfreindre ainsi l'inviolabilité des eaux territoriales, tout en se tenant lui-même hors des dites eaux. C'est à ce point de vue que la Commission a constaté la régularité de la capture des schooners *Marie*, *Rosie Olsen*, *Carmolite*, et *Vancouver Belle*, et qu'elle n'a pas cru pouvoir le faire dans les cas de la saisie des schooners *Willie McGowan* et *Ariel*. On ne saurait cependant méconnaître la gravité des indices qui ont amené les Commandants de nos croiseurs à effectuer des perquisitions à bord de ces derniers. Le *Willie McGowan* a pris la fuite aussitôt après avoir aperçu le

croiseur Russe ; il n'a pas mis en panne sur l'injonction du *Zabiaka*.

Si le Commandant du croiseur Russe n'a pas vu les chaloupes du *Willie McGowan* chassant illégalement l'otarie dans nos eaux territoriales, il en avait été avisé par les habitants de la côte. La perquisition révéla la présence à bord des engins servant à la chasse aux otaries sur la côte, ainsi que soixante-seize peaux, dont soixante-neuf ôtées d'animaux femelles, tués par conséquent près de la côte. Les 90 pour cent des peaux trouvées sur l'*Ariel* avaient été probablement aussi ôtées de femelles-mères, et provenaient d'otaries prises dans les eaux territoriales Russes.

L'importance de ces données ne fut pas mise en doute par la Commission ; elle ne les considéra pourtant pas comme des preuves formelles, justifiant l'arrestation des schooners, faute d'une condition essentielle : leurs chaloupes n'avaient pas été aperçues chassant l'otarie dans les eaux Russes.

En portant ce qui précède à votre connaissance, M. l'Ambassadeur, je me fais un devoir de vous informer, qu'en présence des conclusions ci-dessus exposées de la Commission, le Gouvernement Impérial ne se refuserait pas à procéder à une estimation de l'indemnité à verser aux armateurs des schooners *Willie McGowan* et *Ariel*.

Veuillez, &c.,

Sir R. Morier.

CHICHKINE.

(Inclosure 2.)—*Report of Special Commission.*

LA Commission chargée d'examiner les documents et les dépositions se rapportant à la saisie, opérée par des croiseurs Russes, de bâtiments Canadiens qui pêchaient l'otarie dans nos eaux territoriales, a soumis à une enquête détaillée les plaintes formulées par les équipages de ces bâtiments au sujet de mauvais traitements qu'ils auraient subis à leur descente à Pétropavlovsk. Ces plaintes, consignées dans la note de l'Ambassadeur Britannique du 17 Novembre, 1892, et dans les déclarations y annexées, étaient accompagnées d'une réclamation contre les conditions très onéreuses qui auraient été conclues, en vue du rapatriement des équipages en question, entre le Commandant du *Zabiaka* et le Capitaine du bateau Américain *Majestic*. La Commission eut également à se prononcer sur cette réclamation, après avoir dûment pris connaissance des circonstances qui s'y rapportaient.

Il appert tout d'abord, tant des dépositions verbales du Capitaine de Livron que des documents figurant au dossier de l'affaire, que les mesures prises par le Commandant du croiseur *Zabiaka* à l'égard des équipages des schooners arrêtés n'étaient nullement en contradiction avec le principe mis en avant dans la note précitée de Sir R. Morier.

D'après l'Ambassadeur de Sa Majesté Britannique, les hommes des schooners auraient dû être mis en liberté en même temps que les bâtiments étaient capturés. C'est ce que fit, en effet, le Capitaine de Livron. Ayant opéré la prise sans rencontrer de résistance et en ayant dressé protocole, il s'empessa de déclarer libres leurs capitaines et leurs équipages. Aussitôt après, conformément à ses instructions, il les transporta dans le port Russe le plus proche. Le petit bourg de Pétropavlovsk comptant en tout 300 habitants, n'offrait pas de constructions particulières assez grandes pour qu'ils pussent s'y loger. En conséquence, il fut proposé à ces hommes, qui, encore une fois, n'étaient nullement en état d'arrestation et jouissaient de toute leur liberté, d'occuper le seul bâtiment de l'État qui se trouvait disponible. Malheureusement il n'était pas suffisamment spacieux. Le Commandant du *Zabiaka* n'en apporta que plus de soins à hâter autant que possible le rapatriement des équipages des schooners. Il s'adressa à cet effet au capitaine du bateau Américain *Majestic* et utilisa le schooner *Rosie Olsen*, déclaré légalement de prise et dont le nom avait été changé en celui de *Prize*.

Les équipages des schooners furent distribués de la façon suivante : le *Majestic* reçut vingt-trois hommes du *Willie McGowan*, vingt-quatre de l'*Ariel*, et vingt-deux de la *Rosie Olsen*. Le *Prize* en reçut six des chaloupes de l'*Annie Moore*, neuf du *Seyward*, et vingt-deux du *Vancouver Belle*. Les hommes des schooners *Marie* et *Carmolite* furent envoyés séparément à Vladivostok sur le croiseur *Vitiaz* et, de là, au Japon. Durant leur séjour à bord et dès le premier jour de leur débarquement, il fut assigné aux équipages 15 kopecks de frais de subsistance par homme et par jour. C'est ce qui appert de la correspondance officielle échangée entre le Capitaine de Livron et le Chef d'Arrondissement. En outre, le commandant du *Zabiaka* mit à leur disposition un filet et des chaloupes, pour qu'ils pussent aller pêcher, et les fit aider par des marins du croiseur.

Si les hommes de la *Rosie Olsen* ne reçurent leurs frais alimentaires qu'à partir du 3 Août, c'est que, jusque là, ils ont pu consommer leurs propres vivres, qui leur avaient été restitués par le Chef d'Arrondissement des Iles Koumandorsky. On ne saurait prendre au sérieux les réclamations de quelques hommes se plaignant d'avoir dû, faute de place, coucher à la belle étoile. Il faisait, en effet, si chaud à Pétropavlovsk, aux mois de Juillet et d'Août, que les officiers et les marins du *Zubiaka* couchaient de préférence sur le pont. En ce qui concerne les effets des équipages, qui leur auraient été enlevés ou ne leur auraient pas été tous restitués, la Commission s'est convaincue que toutes les provisions d'effets ("stores"), vêtements, bas, chaussures, &c., qui se trouvaient à bord de la *Marie* et de la *Rosie Olsen* au moment

de leur arrestation ont été remises par M. Grebnitsky aux capitaines de ces bâtiments. Leur demande d'être indemniés pour la valeur de ces provisions se trouve donc dénuée de fondement. Quant aux autres schooners, le Commandant du *Zabiaka* en procédant à leur arrestation laissa aux hommes de leurs équipages tous les effets portés par eux et leur appartenant. Il crut devoir, par contre, confisquer et remettre, contre reçu détaillé, à l'autorité Pétropavlovsk, tout ce qui constituait la propriété des armateurs, y compris les provisions d'effets ("stores") destinés à être vendues aux équipages. Seuls les hommes qui se trouvaient dans les chaloupes du *Seyward* n'avaient pas de vêtements de rechange. A l'arrivée du schooner *Ariel* à Pétropavlovsk son capitaine rentra en possession de tout ce qui lui appartenait à l'exception d'une somme de 100 dollars. Dès qu'il en eût fait la déclaration au Capitaine de Livron, il reçut l'autorisation de se rendre à bord du schooner, accompagné d'un officier, pour chercher cet argent, qui fut retrouvé derrière le tiroir d'une armoire.

Le capitaine en question demanda ensuite à rentrer en possession du chronomètre de bord, ce qui lui fut, en effet, refusé. Le rapatriement des équipages à bord du *Majestic* eut lieu en vertu d'un accord en due forme conclu avec le capitaine de ce bâtiment. Ce dernier reçut du Capitaine de Livron : (1) une provision de vivres complète pour quarante-cinq jours, calculée d'après les indications mêmes des capitaines des schooners capturés et sur la base des règlements de la flotte de commerce Américaine ; (2) un nombre de chaloupes (huit grandes et deux petites) indispensables pour quatre-vingt-sept hommes en cas d'avarie ; (3) deux fourneaux supplémentaires pour cuire la nourriture ; (4) de la vaisselle en quantité suffisante ainsi qu'une chaudière de cuivre fournies par le croiseur. Le capitaine du *Majestic* s'obligea à rapatrier les équipages moyennant le droit de s'approprier ensuite, en guise de rémunération, tous les objets qui viennent d'être énumérés. Les équipages des schooners furent logés dans la cale au-dessus du lest. On couvrit le fond avec des branches sèches reliées entre elles à l'aide de cordages et sur lesquelles les hommes de ces équipages purent étendre les mateias qui leur furent distribués. Chacun reçut le sien.

Le mécontentement des capitaines des schooners doit être attribué, d'après les dépositions du Commandant du *Zabiaka*, à l'impossibilité où s'est trouvé le capitaine du *Majestic*, qui était accompagné de sa fille adulte, de les loger dans sa cabine. Il fut obligé de faire disposer pour eux des couchettes dans les cabines servant aux provisions.

La Commission a conclu de ce qui précède que, si le capitaine du *Majestic* réclame 10 dollars par homme pour frais de transport,

cette réclamation ne saurait être admise, étant contraire aux conditions de l'accord conclu et signé par lui.

En ce qui concerne la patrouille envoyée à terre par le Capitaine de Livron, cette mesure fut prise sur la demande du Chef d'Arrondissement de Pétropavlovsk. La police locale se trouvait, en effet, insuffisante pour réprimer les désordres auxquelles les hommes des schooners se livrèrent dans les rues du bourg.

La conduite de ces matelots fut des plus indisciplinées. Plusieurs fois le Commandant du *Zabiaka* s'adressa aux capitaines des bâtiments saisis, en les priant de rétablir l'ordre, mais ceux-ci déclarèrent que les équipages ne leur obéissaient pas. Les capitaines du *Willie McGowan* et de la *Rosie Olsen* eux-mêmes se présentèrent en état d'ébriété chez le Capitaine de Livron et lui dirent des injures, si bien que les marins du croiseur durent les faire sortir de la cabine du Commandant.

(Inclosure 3.)—*Second Report of Special Commission.*

L'EXAMEN des circonstances qui avaient accompagné l'arrestation et la capture, opérée dans la Mer de Behring, par des croiseurs Russes, de schooners et de chaloupes de pêche Canadiennes, a été confié à une Commission Spéciale instituée par Décret Impérial.

Cette Commission reçut communication des documents suivants, qui lui servirent de base pour élucider l'affaire en question :—

Journaux de bord, notes et cartes trouvées sur les bâtiments capturés :

Protocoles de saisie ;

Rapport concernant la course du croiseur *Zabiaka*, ainsi que celui qui fut dressé par le Commandant de l'escadre du Pacifique ;

Affidavits communiqués par le Gouvernement Britannique et contenant les dépositions des capitaines des bâtiments capturés et de leurs équipages.

En même temps la Commission citait devant elle, pour entendre leurs dépositions verbales, le Capitaine de Livron, ex-Commandant du *Zabiaka*, et le Conseiller de Collège Grebnitsky, Chef d'Arrondissement des Iles Kommandorsky.

L'instruction établit avec la plus grande certitude ce qui suit :

1. Le schooner *Marie* a été arrêté le 2^e Août, 1892, par le Chef d'Arrondissement des Iles Kommandorsky, M. Grebnitsky montant le vapeur *Kotik*. L'arrestation a eu lieu sous le 54° 36' de latitude septentrionale et sous le 168° 24' de longitude orientale, à 7 milles de l'Île de Cuivre. Deux chaloupes appartenant à ce bâtiment avaient été aperçues et arrêtées à 1½ mille de la côte. On trouva à leur bord dix-sept otaries, dont dix pas encore écorchées. Sans

s'attarder à poursuivre les autres chaloupes, qui chassaient un peu plus à l'écart, M. Grebnitsky arrêta le schooner lui-même et le mit à l'ancre avant le coucher du soleil devant le village de Glinka. Le lendemain matin, la perquisition faite tant sur le schooner que sur les chaloupes qui l'avaient rejoint pendant la nuit, révéla à leur bord 622 peaux d'otaries, dont 585 ôtées d'animaux femelles et prises, par conséquent, près de la côte. L'examen du livre de bord de la *Marie* permit de constater que ce livre n'avait pas été tenu depuis quatre jours et ne portait pas les indications requises sur la course et les relâches de ce schooner.

Les degrés de longitude et de latitude n'étaient marqués que dans les almanachs, et cela avec beaucoup de négligence. Le lieu de destination du schooner était désigné par l'expression vague "sealing grounds." Les peaux, enlevées de femelles fécondes, attestaient que les otaries avaient été tuées près de la côte. En effet, aux mois de Juillet et d'Août, époque de l'allaitement, les femelles ne peuvent s'éloigner des côtes. Cette conclusion était encore confirmée par la présence, à bord du schooner, de maillets dont on se sert exclusivement pour la chasse aux otaries sur la côte. Dans sa protestation écrite, le capitaine de la *Marie* affirme que son bâtiment a été arrêté à $9\frac{1}{2}$ milles de la côte. Mais le chronomètre trouvé à bord du schooner était en si mauvais état que ses indications, comme on l'a constaté, occasionnaient une erreur de 15 milles. De l'aveu même du capitaine, 499 des otaries saisies avaient été prises dans les parages de l'Île de Cuivre et 148 seulement dans ceux de Vancouver. Il ne nie pas que les trois chaloupes de la *Marie* aient été arrêtés dans nos eaux territoriales. Mais il émet en même temps l'opinion que M. Grebnitsky aurait dû se borner à leur arrestation. Il n'aurait pas dû y joindre, comme il l'a fait, celle d'autres chaloupes, appartenant au schooner *Annie Moore* qui, lui, n'a pas été arrêté. En effet, le schooner *Annie Moore*, dont les chaloupes furent prises, réussit à échapper aux poursuites. Mais cela indique uniquement que les schooners envoient leurs chaloupes loin d'eux chasser les otaries dans leurs gîtes, tout en demeurant eux-mêmes hors des eaux territoriales. C'est ainsi seulement que l'*Annie Moore* a pu échapper à l'arrestation tandis que ses chaloupes étaient saisies sur la côte par des habitants de la contrée. Le capitaine de la *Marie* a reconnu que l'acte d'arrestation avait été régulièrement dressé, tout en refusant cependant de le signer. La Commission, se fondant sur les données qui viennent d'être exposées, conclut que l'arrestation du schooner *Marie* avait été opérée d'une façon entièrement régulière. Il est incontestable que les chaloupes constituent juridiquement une dépendance du schooner. Leur saisie dans des eaux territoriales rend donc légale l'arrestation du bâtiment dont elles font partie. S'il en était autrement, le schooner pourrait

impunément faire la chasse aux otaries sur les côtes, en y envoyant ses chaloupes, et enfreindre ainsi l'inviolabilité des eaux territoriales tout en se tenant lui-même hors de leurs limites.

2. Le schooner *Rosie Olsen* a été également arrêté par M. Grebnitsky, Chef d'Arrondissement des Iles Kommandorsky. La saisie, opérée par le *Kotik*, eut lieu le $\frac{1}{4}$ Juillet, 1892, sous le $55^{\circ} 23'$ de latitude septentrionale, et sous le $185^{\circ} 27'$ de longitude orientale. Le schooner avait été aperçu dans les eaux territoriales, mais ayant vu le vapeur, il avait réussi à gagner la mer ouverte, après avoir donné à ses chaloupes un signal de ralliement. Toutefois, le *Kotik* et une chaloupe qu'il détacha parvinrent à saisir quatre chaloupes de chasse dans les eaux territoriales. L'une d'elles fut arrêtée à 1 mille des côtes de l'Ile d'Aria. Trois chaloupes sur sept purent rejoindre le schooner. Après avoir saisi les quatre chaloupes, M. Grebnitsky procéda à l'arrestation du schooner, et en dressa protocole. Le capitaine de la *Rosie Olsen*, qui se trouvait dans un état de vive surexcitation, refusa de signer cet acte, et, arrivé à Pétropavlovsk, protesta contre la saisie de son schooner en mer ouverte. On trouva à bord du schooner et des chaloupes 379 peaux d'otaries, dont 96 pour cent ôtées d'animaux femelles; 377 de ces peaux se trouvaient à bord du schooner. Les deux autres furent saisies dans des chaloupes. L'équipage se composait de six Européens et de quatorze Kaloches. Il appert du journal de bord que le schooner avait chassé durant treize jours dans les parages de l'Ile de Cuivre, à l'aide de ses chaloupes, qu'il envoyait dans les eaux territoriales. Le $\frac{1}{4}$ Juillet il y avait eu 101 otaries de tuées. Le journal de bord n'était pas tenu depuis plusieurs jours; le chronomètre était entièrement dérangé. D'après le capitaine de la *Rosie Olsen*, le schooner aurait été arrêté à 38 milles de la côte. Pour se convaincre de l'inexactitude de sa déposition il suffit de constater, sur la carte, que le point d'intersection de la longitude et de la latitude indiquées par le capitaine n'est pas à 38 milles mais à 54 milles du point le plus rapproché de la côte. Il est permis d'en conclure que ces indications sont dénuées de fondement et données après coup, au hasard.

Après avoir examiné toutes les circonstances ayant accompagné l'arrestation du schooner *Rosie Olsen*, la Commission a conclu à la régularité de cette arrestation. En effet, les chaloupes de ces schooners ont été surprises chassant l'otarie dans les eaux territoriales.

Le schooner en question ne se trouve pas actuellement à Pétropavlovsk, mais au Canada. Il avait servi à rapatrier les équipages de tous les schooners arrêtés. Il a reçu un nouveau nom, celui de *Prize*, et est commandé par un des capitaines rapatriés, nommé Kopp. Le Capitaine de Livron a déposé que M. Kopp lui

avait annoncé dans une lettre particulière l'arrivée du *Prize* à destination ; la lettre ajoutait que les matelots menaçaient M. Kopp de la traduire en justice en réclamant le paiement de leurs gages pour le temps de la traversée. Le Capitaine Kopp s'étant acquitté, en rapatriant les équipages en question, d'une mission dont il avait été chargé par les autorités Russes, la Commission considère comme équitable de lui abandonner la propriété du schooner *Prize* à la charge de prélever sur sa valeur, pouvant être évaluée à 600 dollars, de quoi satisfaire les prétentions susmentionnées en tant qu'elles se trouveraient justifiées.

3. Le schooner *Carmolite* a été arrêté le 17 Août, 1892, par le croiseur *Vitiaz*, commandé par le Capitaine Zarine, et battant le pavillon du Chef de l'Escadre du Pacifique. Il appert des documents examinés par la Commission que ce schooner a été aperçu par le croiseur de l'autre côté de l'isthme situé à la pointe sud de l'Île de Cuivre. Le *Carmolite* se trouvait à ce moment à 3 milles environ d'un gîte d'otaries. Il vit le croiseur et, profitant de la nécessité où se trouvait celui-ci de tourner, pour l'atteindre, un long récif situé à l'extrémité sud-est de l'Île, il déploya les voiles et gagna la mer ouverte. Mais, au bout d'une heure et demie, le croiseur l'atteignit à 8 milles de la côte sous le 54° 29' de latitude septentrionale et le 168° 2' de longitude orientale. Les documents de bord permirent de constater que le schooner se trouvait depuis le 29 Juillet dans les eaux des Îles Kommandorsky. Le capitaine déclara que les 608 otaries dont on trouva les peaux à bord de son bâtiment avaient été prises près des Îles de Behring et de Cuivre. Cela contredit ses déclarations annexées à la note de l'Ambassadeur Britannique du 1^{er} Décembre, 1892, d'après lesquelles la prise des otaries n'aurait eu lieu qu'à 60 milles de distance des îles. La déclaration du capitaine du *Carmolite* concernant la distance de la côte où le schooner aurait été arrêté, et qui serait de 25 milles, ainsi que son assertion de n'être pas entré dans les eaux territoriales Russes, se trouvent également démenties par des indications précises : pour en démontrer l'inexactitude il suffit d'un calcul basé sur la rapidité de marche du croiseur et sur l'étendue de l'horizon visible au moment où le schooner a été aperçu pour la première fois par le *Vitiaz*. Le "log-book" du *Carmolite* n'était pas tenu depuis deux jours. Il a été dressé deux protocoles d'arrestation, l'un en Russe, l'autre en Anglais. En raison de ces données, la Commission a reconnu l'arrestation du *Carmolite* comme entièrement conforme aux principes du droit international.

4. Le schooner *Vancouver Belle* fut arrêté par le croiseur *Zabiaka*, le 31 Juillet, 1892, sous le 54° 17' de latitude septentrionale et sous le 168° 12' de longitude orientale, à 17 milles de l'Île de Cuivre. Ayant été averti par des garde-côtes que ce schooner

chassait l'otarie sur la côte, le Commandant du *Zabiaka* se dirigea vers lui. Mais, en chemin, il rencontra trois chaloupes du schooner *Seyward* faisant la chasse à une distance de moins de 3 milles de la côte. Leur arrestation et leur mise en remorque prit environ deux heures, dont le *Vancouver Belle* profita pour gagner le large. Il fut constaté, après l'arrestation de ce schooner, que son "log-book" n'avait pas été tenu depuis vingt-quatre heures, mais les notes qui y avaient été portées antérieurement indiquaient qu'il avait, à deux reprises, chassé l'otarie le long même de la côte, dans les détroits qui séparent les îles. On trouva à bord du bâtiment les engins servant à la chasse aux otaries sur les côtes; 89 pour cent des 594 peaux saisies avaient été ôtées de femelles-mères. Il résulta des déclarations mêmes du Capitaine Kopp qu'il était 2 heures quand il avait aperçu le croiseur. Le schooner ayant été atteint par le *Zabiaka* à 4 heures, il lui eût été impossible de faire plus de 14 milles vers le large. En raison de tout ce qui précède, l'arrestation du *Vancouver Belle* a été reconnue entièrement régulière.

5. La chaloupe du schooner *Marvin* et les trois chaloupes du schooner *Seyward* mentionnées dans la note de l'Ambassadeur Britannique du 4 Décembre, 1892, à laquelle se trouvaient jointes les protestations écrites des capitaines de ces bâtiments, ont été arrêtés dans les conditions suivantes: l'arrestation de la première a été opérée par des habitants de l'Île de Cuivre, qui la saisirent au gîte même des otaries, que l'équipage avait commencé à exterminer; celle des trois autres par le croiseur *Zabiaka*. Les habitants de l'île l'avaient averti que plusieurs chaloupes étrangères avaient abordé au gîte des otaries, et en ayant tué un certain nombre avaient regagné le large. Le croiseur s'étant rendu dans la direction indiquée surprit, le 21 Juillet, à 9 milles de la pointe sud-est de l'Île de Cuivre, trois chaloupes qui se mirent à fuir à toutes voiles et à toutes rames. Voyant enfin l'inutilité de ses efforts, l'équipage cessa de ramer et se mit à jeter pardessus bord les otaries tuées. Mais il n'avait pas encore fini cette besogne que le croiseur avait arrêté les trois embarcations, à bord desquelles on trouva encore huit otaries. Les têtes étaient fracassées, ce qui prouvait bien que les animaux avaient été tués à coups de martelets, dans leur gîte, et non à coup de fusil, en mer. L'équipage des chaloupes appartenant au schooner *Seyward* fut transporté à bord du *Zabiaka* à Pétropavlovsk et les hommes de la baleinière, détachée par le *Marvin*, arrêtés par les habitants du village de Glinka, furent conduits par eux dans ce village, situé sur la côte opposée de l'Île. De là, la vapeur *Kotik* les transporta à Pétropavlovsk.

En outre, les habitants du village de Préobrajenskoé, situé également dans l'Île de Cuivre, livrèrent au croiseur *Zabiaka* six matelots qu'ils avaient arrêtés au gîte des otaries. Ces hommes déclarèrent

qu'ils étaient venus chasser à bord de deux chaloupes appartenant au schooner Anglais *Annie Moore*. Le schooner lui-même ne fut pas aperçu.

Ces cas infirment la supposition émise dans la note de l'Ambassadeur Britannique que "les chaloupes ne se trouvaient probablement pas à une grande distance du schooner *Seyward*." En réalité, il était impossible, de l'endroit où les chaloupes ont été arrêtées, d'apercevoir le schooner, même à l'aide d'une lunette. Le fait est que, d'après les dépositions des capitaines du *Marvin* et du *Seyward*, ces schooners se trouvaient à 20 milles de l'Île de Cuivre au moment où leurs chaloupes pillaient les gîtes des otaries sur la côte Russe.

6. Le schooner Anglais *Tupper* a été arrêté le ^{20 Juillet}_{10 Août} par le croiseur *Zabiaka*, à 47 milles de l'Île de Behring, sous la prévention d'être un de ceux dont les chaloupes avaient été arrêtées dans les eaux territoriales Russes. Toutefois, à défaut de preuves formelles à l'appui de cette prévention et bien qu'on eût trouvé 274 peaux d'otaries à bord du schooner, le croiseur *Zabiaka* se borna à avertir celui-ci d'avoir à s'abstenir de chasser l'otarie dans les eaux Russes baignant les Îles Kommandorsky. Cet avertissement fut porté dans le journal du *Tupper*, ainsi qu'il appert de la déposition du capitaine de ce schooner annexée à la note de l'Ambassadeur Britannique du 9 Décembre, 1892. Quant aux menaces que d'après le capitaine du *Tupper* lui auraient été adressées par le Commandant du *Zabiaka*, et à la défense que celui-ci lui aurait faite de chasser l'otarie dans la mer ouverte, c'est là une assertion dénuée de preuves. Tout au contraire, les peaux d'otaries trouvées à bord du schooner ne furent pas saisies, et c'est sans fondement que le capitaine soutient avoir supporté des pertes à la suite de cette arrestation.

7. Le schooner *Hall* a été rencontré le 5 Août, 1892, sous le 54° 33' de latitude septentrionale et sous le 166° 10' de longitude orientale, chassant l'otarie en mer, à 17 milles de l'Île de Behring. Bien qu'on eût trouvé à bord 325 peaux, il n'y avait pas de preuves directes que le schooner eût fait la chasse aux otaries dans les eaux territoriales Russes. Le Commandant du *Zabiaka* se borna donc à un avertissement portant que le bâtiment devait continuer à s'abstenir de chasser l'otarie sur la côte Russe.

8. Le schooner *Willie McGowan* a été aperçu par le croiseur *Zabiaka* le 6 Juin, 1892, à 15 milles de l'Île de Cuivre. Il marchait à petites voiles, mais les déploya toutes après avoir aperçu le croiseur et se mit à gagner le large. Il fut atteint sous le 54° 21' de latitude septentrionale et sous le 167° 43' de longitude orientale, à 21 milles de la côte. Le croiseur dut tirer deux fois pour le forcer à mettre en panne. Une perquisition révéla la présence à bord des engins servant à la chasse aux otaries sur la côte, ainsi que soixante-~~neuf~~ peaux, dont soixante-neuf ôtées d'animaux femelles. Le "log

n'était pas tenu depuis vingt-quatre heures. En général, il ne contient que de très rares indications sur la marche du bâtiment. On n'y rencontre que des expressions vagues : "jogging around sealing grounds," ou simplement "jogging." D'après une indication, le schooner s'était trouvé le $\frac{1}{13}$ Juillet en vue de l'Ile de Cuivre, par un temps brumeux. Le $\frac{3}{18}$ il avait aperçu le *Zabiaka*. Le temps était également brumeux, et il régnait un léger brouillard. Ce jour là, le croiseur *Zabiaka*, comme il appert de son journal, se trouvait tout près de la côte, au gîte même des otaries. Des traces de pointillement et de calculs faits au crayon sur la carte et imparfaitement effacés indiquent que le schooner relevait sa position à la boussole, à une heure et demie de distance du gîte des otaries.

On est fondé à conclure de toutes ces données que les otaries trouvées à bord du schooner avaient été tuées dans les eaux territoriales Russes.

Néanmoins, la Commission n'a pu reconnaître l'arrestation du schooner *Willie McGowan* comme entièrement régulière.

9. Le schooner *Ariel* a été arrêté par le croiseur *Zabiaka*, le 16 Juillet, à 3 heures et demie du matin, sous le $54^{\circ} 31'$ de latitude septentrionale et le $167^{\circ} 40'$ de longitude orientale. Au moment de son arrestation il s'éloignait à petites voiles de la côte et se trouvait à 21 milles de l'Ile de Cuivre. On découvrit à son bord les engins servant à chasser l'otarie sur la côte, ainsi que 139 peaux, dont les 90 pour cent avaient été ôtées de femelles-mères. Le "log-book" n'était pas tenu depuis deux jours. A la même date le livre contient deux annotations différentes. La première porte que le schooner s'était trouvé en vue de l'Ile de Cuivre ; cela indique, étant donné le brouillard qui régnait ce jour là, que le bâtiment naviguait alors dans nos eaux territoriales. Les traces de pointillement et de calculs faits au crayon sur la carte et imparfaitement effacés témoignent que le relèvement à la boussole de la position du bâtiment avait été opéré tout près de la côte.

Sans contester la gravité de ces indices, établissant que le schooner *Ariel* avait navigué dans les eaux territoriales Russes, la majorité de la Commission ne considère pas son arrestation comme fondée en droit, faute d'une condition essentielle et généralement admise : les chaloupes de l'*Ariel* n'avaient pas été aperçues chassant l'otarie dans nos eaux.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, July 1, 1893.

THE Queen's assent was given on the 29th ultimo to the Act of Parliament passed in pursuance of the Sealing Arrangement with Russia. The Order in Council which is required for carrying out the provisions of the Agreement will also be passed without delay. Her Majesty's cruisers have already been directed to warn British sealing-vessels that an Agreement has been made with Russia, and formal instructions will be sent for the guidance of our naval officers as soon as the Order in Council is issued.

Copies of these instructions will be forwarded to your Excellency, and you will be requested to communicate them to the Russian Government.

Her Majesty's Government trust that corresponding orders will be given to the Russian officers with regard to the formalities to be observed in making seizures, and in recording evidence for the purpose of eventual prosecution.

The Earl of Rosebery to Sir R. Morier.

SIR,

Foreign Office, July 1, 1893.

WITH reference to my telegram of to-day, I transmit to your Excellency herewith copies of the draft Order in Council, which will be issued on the 4th instant, for giving effect to the Act of Parliament relating to the Sealing Arrangement with Russia.

I also inclose copies of the instructions for the guidance of Her Majesty's cruisers in the neighbourhood of the Russian seal islands, which will be sent to the Commander-in-chief on the China Station as soon as the Order in Council has been passed. A summary of them will be forwarded by telegraph.

As soon as the Order in Council is passed, I will inform your Excellency by telegraph, in order that the documents may be communicated to the Russian Government.

I am, &c.,

ROSEBERY.

Sir R. Morier.

(Inclosure.)

"SEAL FISHERY (NORTH PACIFIC) ACT, 1893."

Admiralty Instructions.

IN accordance with an arrangement concluded between Great Britain and Russia on the 30th May, 1893,* and in conformity with

* Vol. LXXXV, page 1286.

the powers vested in Her Majesty's Government by "The Seal Fishery (North Pacific) Act, 1893,"* and the Order in Council, dated the 4th day of July, 1893† (copies of which are attached), the following Regulations have been made:—

1. British cruisers are to co-operate with vessels of the Russian Imperial navy or Government in preventing persons belonging to British ships from killing or hunting seals during the period and within the zones specified in the said Order in Council.

2. British ships likely to be affected should be warned that they will be liable to capture if found killing or hunting seals within those zones.

3. If any person belonging to a British ship kills, takes, hunts, or attempts to kill or take, any seal during the said period or within the said zones, or if any British ship, or the equipment or crew thereof, is or are used or employed in such killing, taking, hunting, or attempt, a British or a Russian cruiser may stop and examine the ship.

4. Where the Commander of a British cruiser stops and examines a ship, he should draw up and sign a statement, in writing, of the circumstances under which and the grounds on which he stopped and examined the ship. If evidence contained in the statement be taken on oath in the presence of the person charged in the evidence, and the person so charged has an opportunity of cross-examining the person giving the evidence, and of making his reply to the evidence, the Commander should certify that the evidence was so taken, and that there was such opportunity of cross-examining and of making a reply.

5. If the Commander of a British cruiser decides to seize the ship, he is to take her for adjudication to one of the specified ports, that is to say, either Yokohama or Shanghai, or a British colonial port at which there is a competent Court. In ordinary cases, the most convenient port will be Yokohama.

6. Instead of seizing the ship, the Commander of the British cruiser may, if he thinks fit, either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case may direct the ship by an addition to the provisional certificate, or to the indorsement, to proceed forthwith to one of the specified ports to be named in the certificate or indorsement. Forms of provisional certificate and of indorsement are sent herewith.

7. Where the Commander of a British cruiser seizes or indorses a ship's certificate, he should on the first opportunity send the certificate or copy of the indorsement, and also the above-mentioned

... and the witnesses, to the specified port, addressing the

documents to the proper officer there. The proper officer will be the British Consul if the specified port is Yokohama or Shanghai, and the Collector of Customs if it is a colonial port.

8. The Commander of a Russian cruiser authorized by the Order in Council to stop and examine a British ship will be instructed at the first opportunity (where feasible) to hand over the ship and documents, or the documents, as the case may be, to a British cruiser or other British authority.

9. Where the Commander of a British cruiser receives such ship and documents, or such documents, from a Russian cruiser, he is to proceed in like manner as if he had himself stopped and examined the ship.

10. Where the Commander of a British ship either seizes a ship or deals with her certificate as above directed, or receives a British ship from a Russian cruiser, all the equipment for sealing is to be removed from the ship, and taken or sent to the proper officer at the port to which the ship is taken or sent for adjudication.

11. In any case, the Commander of a British cruiser is to record the name of every ship in respect of which he performs any act hereinbefore directed or authorized, and of her master, and he is at the first opportunity to inform the Commander-in-chief of the action taken by him.

12. In the event of a British Agent visiting the Komandorsky Islands and Robben Island to confer with the authorities there, and to inquire into the working of the arrangement, British cruisers are to co-operate with the said Agent, and to give him any assistance in their power.

13. It is to be understood that these Regulations do not apply to those parts of the zones which consist of Russian territorial waters, and that within those waters the Government of Russia will alone exercise jurisdiction.

(A.)—*Form of Provisional Certificate of Registry.*

1.

No.		Date of Registry.	
Name of Ship.	British or Foreign built.	Port of Registry.	How propelled.

2. The original certificate of the said ship, containing the above particulars is dated at _____, the _____ day of _____, 18____, and purport to be signed by _____ as Registrar.

3. The said original certificate has been seized, and this provisional certificate has been granted by the Undersigned, in accordance with the provisions of "The Seal Fishery (North Pacific) Act, 1893."

4. The said ship is hereby directed to proceed forthwith to the port of _____ for adjudication, and the master is directed to report himself forthwith on arrival there to the British Consul [or Collector of Customs, as the case may be].

Dated at [give ship's position], the _____ day of _____, 18____.

(Signed)

Commanding Officer, H.M.S.

(B.)—*Form of Indorsement on Certificate of Registry.*

In accordance with the provisions of "The Seal Fishery (North Pacific) Act, 1893," the said ship has been stopped and examined, and this certificate has been seized by the Undersigned on the following grounds:—

[*Shortly state grounds.*]

This certificate is, with this indorsement, returned to the master.

The said ship is hereby directed to proceed forthwith to the port of _____ for adjudication under the said Act, and the master is hereby directed to report himself forthwith on arrival there to the British Consul [or Collector of Customs, as the case may be].

Dated at [give ship's position], the _____ day of _____, 18____.

(Signed)

Commanding Officer, H.M.S.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.)

Foreign Office, July 4, 1893.

SEIZURE of sealers.

With reference to the Report of the Special Commission which was sent home in Sir R. Morier's despatch of the 12th ultimo, please endeavour to obtain a copy of the chart used by the Commission, and state the exact position of the Island of Aria which is referred to in the case of the *Rosie Olsen*.

It has been found that the distances of the points of seizure from the shore, as given in the Russian Report, show considerable divergence from those distances as marked on the charts which we have here.

The Earl of Rosebery to Mr. de Bunsen (Tókió).

(Telegraphic.)

Foreign Office, July 5, 1893.

ON the 12th May you were instructed to warn British sealers that an Agreement had been made with the Russian Government to prohibit sealing within certain distances of the Russian coast and islands.

The Order in Council for enforcing this Agreement was passed yesterday, and British sealers who infringe its provisions are now liable to be seized by British or Russian cruisers.

The necessary warnings should be given at Japanese ports. The Admiralty have sent instructions to British naval officers.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.)

Foreign Office, July 5, 1893.

WITH reference to my despatch of the 1st instant, you are authorized to communicate to the Russian Government "The Seal Fishery (North Pacific) Order in Council," which was issued yesterday, and also the Admiralty instructions.

Mr. Howard to the Earl of Rosebery.—(Received July 10.)

MY LORD,

St. Petersburg, July 5, 1893.

I HAVE the honour to inclose herewith a translation of an extract from the "Cronstadt Gazette," giving the substance of the instructions issued to the Captain of the Imperial cruiser, the *Nayezdnik*, recently dispatched to the north of Russia for the protection of the Russian sea fisheries along the Murman coast and White Sea.

Your Lordship will perceive that, according to these instructions, foreign vessels may only be stopped by the Russian cruiser on the high seas when the pursuit shall have commenced within territorial waters, or when such foreign vessels, keeping beyond the limits of the latter, shall have sent boats out to capture fish, &c., within them. This is the same doctrine which was applied in the cases of our vessels seized last year in the North Pacific Ocean.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure.)—*Substance of Article in the "Cronstadt Gazette" of June 3rd, 1893.*

ACCORDING to the "Cronstadt Gazette" of the 2nd June, 1893, the Captain of the *Nayezdnik* cruiser, recently dispatched to the

north of Russia for the protection of the Russian sea fisheries along the Murman coast and White Sea, has received the following instructions for his guidance :—

He is to stop foreign vessels found in Russian territorial waters, to warn them against pursuing their calling in such waters, and to obtain from their commanders a written undertaking to the effect that they will not capture fish or other marine animals in Russian waters.

He may search all vessels, excepting men-of-war, of a suspicious character, in order to convince himself that a vessel has not poached in Russian waters. Should it prove that such poaching has taken place, or that the vessel has been overtaken in the act, the cruiser is to arrest such vessel, and to send her in proper charge to the police officer at Kola for legal prosecution before the Murman Magisterial Tribunal.

Suspicious vessels may be stopped in territorial waters, and only in two cases beyond the limits of the same, viz. :—

1. When the pursuit shall have commenced within the territorial limit, and the vessel, paying no attention to signals or shots, shall have escaped beyond such limit.

2. When a foreign fishing-vessel, keeping beyond the territorial waters, shall send boats out to capture fish, &c., in them.

In both cases the Captain of the cruiser shall proceed as if he were in territorial waters, and, in case of necessity, pursue the poaching vessel to the outside limits of the territorial waters of another country.

Detailed instructions are given as to the preliminary arrest and release of a vessel temporarily detained; how the crews of arrested vessels are to be distributed, victualled, &c.

The Commanding Officer of the cruiser is bound to keep a journal, in which each case of stoppage of a vessel for inquiry, search, or arrest is to be entered.

Mr. Howard to the Earl of Rosebery.—(Received July 10.)

MY LORD,

St. Petersburg, July 5, 1893.

I HAVE the honour to report that on the receipt of your Lordship's telegram of yesterday's date I went to the Ministry for Foreign Affairs in the hope of seeing Count Kapnist, and asking him to furnish me with a copy of the chart used by the Imperial Special Commission in the preparation of their Report on the cases of the British sealers seized last year by the Russian cruisers, as all the questions relating to these cases have been dealt with by his

Department; but I found that he had gone to Germany,

so I spoke to M. Chichkine on the subject of my request, who begged me to address him a note which he could submit to the Minister of Marine, as the latter, he said, had complete control of all matters relating to charts.

I have the honour to inclose a copy of the note which, in compliance with M. Chichkine's request, I have this day addressed to his Excellency.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(*Inclosure.*)—*Mr. Howard to M. Chichkine.*

M. LE CONSEILLER PRIVÉ,

*St. Petersburg, June 23,
July 6, 1893.*

WITH reference to our conversation of this afternoon, I have the honour to inform your Excellency that it appears that the distances as to the positions where British sealing-vessels were seized, as mentioned in the Report of the Imperial Special Commission inclosed in your Excellency's note to me of the ^{20th May} _{10th June} last, differ greatly from those given in any charts possessed by Her Majesty's Government.

Under these circumstances, the Earl of Rosebery expresses the hope that it may be found possible to furnish him with a copy of the chart used by the Imperial Commissioners in the preparation of their Report.

It has occurred to me that the Russian chart may be based on the meridian of Pulkova instead of that of Greenwich, which may account for the above-mentioned difference; but it is likewise more than probable that the chart used by the Commission is more complete than those in our possession, as Lord Rosebery states that it had not been possible to place the Island of Aria which is mentioned by the Imperial Commission in the case of the British vessel *Rosie Olsen*, and it therefore seems all the more necessary that Her Majesty's Government should be furnished with a copy of the Russian chart, so as to enable them to properly understand all the details contained in the Report in question.

I avail, &c.,

M. Chichkine.

HENRY HOWARD.

Mr. Howard to the Earl of Rosebery.—(Received July 10.)

MY LORD,

St. Petersburg, July 6, 1893.

WITH reference to your Lordship's telegram and despatch of the 1st instant, and to your telegram of yesterday's date, relating to the Sealing Arrangement with Russia, I have the honour to inclose herewith copies of the two notes which, in obedience to the instructions

contained in the above-named communications, I have addressed to the Russian Government on the subject of the Order in Council issued on the 4th instant and the instructions for the guidance of Her Majesty's cruisers.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure 1.)—*Mr. Howard to M. Chichkine.*

(Extract.)

St. Petersburg, June 22, 1893.
July 4

I AM directed by the Earl of Rosebery to acquaint your Excellency that Royal Assent has been accorded to the Act of Parliament passed for giving effect to the Sealing Arrangement recently come to between our two Governments, and that the necessary Order in Council will at once be issued; as also that the proper instructions will be given to the Commanders of Her Majesty's cruisers, who, as your Excellency is aware, have already been directed to warn British vessels of the terms of the Arrangement. Copies of these instructions are to be sent to me as soon as possible for communication to the Imperial Government, who, Lord Rosebery does not doubt, will give corresponding orders to their officers on the subject of the formalities to be adopted respecting the seizure of vessels and the taking of evidence.

M. Chichkine.

HENRY HOWARD.

(Inclosure 2.)—*Mr. Howard to M. Chichkine.*

M. LE CONSEILLER PRIVÉ,

St. Petersburg, June 24, 1893.
July 6

WITH reference to my note of the ^{22nd June}_{4th July} last, I have the honour to transmit herewith to your Excellency a copy of the Order in Council which was issued on the ^{22nd June}_{4th July} for giving effect to the Act of Parliament relating to the Sealing Arrangement come to between our two Governments.

I have the honour likewise to inclose a copy of the instructions for the guidance of Her Majesty's cruisers in the neighbourhood of the Russian seal islands, which have been sent to the Commander-in-chief of Her Majesty's ships on the China Station, and a summary of which has been forwarded to him by telegraph.

I avail, &c.,

M. Chichkine.

HENRY HOWARD.

Mr. de Bunsen to the Earl of Rosebery.—(Received July 26.)

MY LORD,

Tôkiô, June 10, 1893.

I HAVE the honour to report that M. Hitrovo, Russian Minister at this Court, read to me yesterday a telegram from St. Petersburg, informing him of the Agreement with England establishing protective zones off the Commander Islands and Robben Island, and off the Russian coasts in the Behring Sea and other parts of the North Pacific, and directing him to make this arrangement known to the Commanders of Russian vessels of war in these waters.

He was likewise to instruct them to hand over, if possible, any British sealing-vessel captured within the above limits to an officer commanding a British vessel of war, or, if no British vessel of war should be within reach, to take possession of the papers of the sealing-vessel, and to forward them to the Russian Consulate at Yokohama for transmission, through the Russian Legation, to Her Majesty's Legation at Tôkiô.

M. Hitrovo was to expect full details by post.

I have, &c.,

The Earl of Rosebery.

M. DE BUNSEN.

Mr. Howard to the Earl of Rosebery.—(Received July 29.)

MY LORD,

St. Petersburg, July 26, 1893.

WITH reference to my despatch of the 5th instant, I have the honour to transmit herewith a copy of a note which I have received from the Russian Government, inclosing a copy of the chart used by the Imperial Special Commission in the preparation of their Report on the cases of the British sealers seized last year by the Russian cruisers, and in which M. Chichkine explains that the difficulty experienced by your Lordship in placing the spot where the *Rosie Olsen* was seized, as mentioned in the above-named Report, arose from a clerical error in the same as to the longitude and latitude of the spot in question.

The Russian chart is based on the meridian of Greenwich, but likewise indicates those of St. Petersburg and Paris.

I have thanked M. Chichkine for his courtesy in this matter.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure.)—*M. Chichkine to Mr. Howard.*

*Ministère des Affaires Étrangères,
Département Asiatique,*

M. LE CHARGÉ D'AFFAIRES,

le 1^{er} Juillet, 1893.

PAR suite de la note que vous avez bien voulu m'adresser en date du ^{28 Juin}_{5 Juillet} dernier, je me fais un devoir de vous transmettre ci-près un exemplaire de la carte dont s'est servie la Commission d'Examen de l'affaire de la saisie de navires Anglais se livrant à la pêche aux otaries dans la Mer de Behring.

Je m'empresse de vous informer à cette occasion que l'erreur que Lord Rosebery a relevée quant à la position du schooner *Rosie Olsen* lors de sa saisie n'est qu'une simple erreur d'écriture; le lieu de saisie du navire en question est fixé dans la Notice No. 2 qui avait accompagnée ma note du 29 Mai, année courante, à 53° 23' latitude nord sur 185° 27' longitude est, tandis que cette position doit être définie ainsi: 53° 25' latitude nord sur 165° 27' longitude est.

Veuillez, &c.,

H. Howard, Esq.

CHICHKINE.

Mr. Howard to the Earl of Rosebery.—(Received August 7.)

MY LORD,

St. Petersburg, July 31, 1893.

I HAVE the honour to transmit herewith a translation of a new Law published in the "Bulletin des Lois" on the 1^{er} 1/2th instant, for the protection of the fur-seal fishing industry.

By its provisions pelagic sealing is formally prohibited, and the capture, slaughter, and pursuit of fur-seals on land is only authorized with the permission of the State under special conditions.

The penalties for offences against this Law are imprisonment of from two to sixteen months, and the confiscation of instruments of capture, the catch, as also the vessels serving for the pursuit of the industry, with all their appurtenances and cargo.

The District Court of Vladivostock is to have jurisdiction in all criminal and civil cases arising in the Commander and Tulenew Islands, as also in all charges of illegal seal fishing on the high seas.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure 1.)—*Extract from the "Bulletin des Lois" of July 1^{er} 1/2th, 1893.*

(Translation.)

His Imperial Majesty was pleased to confirm and order to be carried into execution the following opinion of the Council of

the Empire recorded in the Minutes of its proceedings on the ^{19th April}~~1st May~~ and 1stth May respecting the protection of the fur-seal industry:—

1. In modification and amplification of existing Laws, it shall be ordained: The pelagic pursuit of fur-bearing seals is entirely forbidden; the slaughter, capture, and generally the pursuit of fur-seals on land can be carried on only with the permission of the Government, and in a manner prescribed by it.

2. Section 3 of chapter 2, sub-section (8), of the Code of Criminal and Corrective Punishments, edition 1885, shall be amplified by the following Ordinance:—

§ 921. Persons guilty of pelagic pursuit of fur-seals, as also of their illegal pursuit inland, shall be liable to imprisonment from two months to one year and four months.

The instruments of capture, the catch, and the vessels serving for the pursuit of the industry, with all their appurtenances and cargo, shall be confiscated.

3. Paragraph 103 of the Regulations for the Administration of the Governor-Generalship of the Amur region (Special Appendix relating to Siberian Institutions, vol. ii, Part II of the Code of Laws Continuation 1889) shall be amplified by the following observations:—

“To the jurisdiction of the Circuit Court of Vladivostock shall also belong all criminal and civil cases arising in the Commander and Tulenew Islands, as also cases of accusation of a pelagic fur-seal catching.”

St. Petersburg, August 3, 1893.

(Inclosure 2.)—Extract from the “Journal de Saint-Petersbourg” of July 1st, 1893.

En vertu d'un Avis du Conseil de l'Empire approuvé par Sa Majesté l'Empereur le 1^{er} Juin, les dispositions suivantes sont prises, en sus de celles qui existent déjà, pour la protection de l'industrie de la pêche des phoques à fourrure (otaries).

L'industrie de la pêche des otaries en pleine mer est formellement interdite; la prise, l'abatage, et en général l'industrie de la pêche en question sur terre ferme, n'est autorisée qu'avec la permission de l'État et à des conditions spécialement indiquées.

Les personnes qui se livreront à la pêche de l'otarie ou à la prise de cet amphibie sur terre ferme sans y avoir été autorisées, sont passibles d'un emprisonnement de deux à seize mois.

Le Tribunal d'Arrondissement de Vladivostock aura à juger les affaires criminelles et civiles qui se produiront aux Iles du Com-

mandeur et aux Iles des Phoques, ainsi que toutes celles que soulèveront les accusations de se livrer illicitement à la pêche des otaries en pleine mer.

Mr. de Bunsen to the Earl of Rosebery.—(Received August 15.)

MY LORD,

Tōkiō, July 13, 1893.

I HAVE the honour to inform your Lordship that, on receipt of your telegram of the 5th instant relative to the recent Agreement with Russia for a protective zone round the coasts and islands of the North Pacific, I at once informed Her Majesty's Consuls, in order that they might warn British ship-masters that an Order in Council has been passed, rendering British ships infringing the Agreement liable to seizure by British as well as Russian vessels.

I have, &c.,

The Earl of Rosebery.

M. DE BUNSEN.

The Earl of Rosebery to Mr. Howard.

SIR,

Foreign Office, August 30, 1893.

I HAVE received your despatch of the 31st ultimo, inclosing a translation of a new Law promulgated by the Russian Government for the protection of the fur-sealing industry.

It is evident that this Law, outside the territorial jurisdiction, can only apply to Russian subjects and vessels, unless in virtue of an International Agreement it is made applicable to the subjects and vessels of other countries.

Inasmuch as no such Agreement exists, and as the Law in question is not in terms confined to Russian subjects, I have to request you to draw the attention of the Imperial Government to the concluding paragraph of your note to M. Chichkine of the 12th May last, in which, acting on instructions, you informed the Russian Government that Her Majesty's Government must reserve to themselves full freedom to object to any interference with British subjects and vessels outside Russian territorial waters, according to the usual acceptation of the term, which is not based on an express Agreement between the two Governments.

I am, &c.,

H. Howard, Esq.

ROSEBERY.

Mr. Howard to the Earl of Rosebery.—(Received September 18.)

MY LORD,

St. Petersburg, September 13, 1893.

WITH reference to your Lordship's despatch of the 30th ultimo, I have the honour to report that when I called upon M. Chichkine this afternoon the conversation happened first to turn upon the Award of the Behring Sea Commission, which his Excellency said was an excellent decision, and a good basis for an international sealing arrangement.

I then alluded to the recent Russian Law for the protection of fur-seals, and said that although the Law did not mention Russian subjects, yet it prohibited pelagic sealing, but I did not suppose that in that regard it was intended to apply to foreigners; and I reminded M. Chichkine of the reservations made on that point by us at the time of the conclusion of our Sealing Arrangement with the Imperial Government.

His Excellency replied that, although as a matter of fact there were no Russian sealers, it was found necessary to have a law on the subject; but that as regards sealing on the high seas it did not apply to foreigners, as there was no question, as far as concerned the latter, of extending Russian jurisdiction beyond territorial waters.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

The Earl of Rosebery to Mr. Howard.

SIR,

Foreign Office, November 15, 1893.

SIR R. MORIER's despatch of the 12th June last, forwarding the reply of the Russian Government with regard to the seizure of British sealing-vessels by Russian cruisers in the North Pacific, has been under the careful consideration of Her Majesty's Government.

The facts of these seizures, as represented by the Russian Government on the one side, and by the Canadian sealers on the other, are contradictory in some material points.

Under these circumstances it seems necessary to apply to the Russian Government for copies of the protocols containing the circumstances of the seizure of the *Rosie Olsen*, *Marie*, *Carmolite*, and *Vancouver Belle*, for permission to inspect the logs and charts of these vessels upon which the cases against them are founded, and for the reports on the courses of the *Zabiaka*, *Vitiaz*, and *Kotik*. I have accordingly to instruct you to address an application to the Russian Government to this effect, in which you may explain that Her Majesty's Government are also endeavouring to obtain through the

Canadian Government further information which is necessary to arrive at a clear knowledge of the facts.

It will not be necessary for the present that you should enter into any discussion of the merits of the various cases, but in any observations which may pass on the subject, it will be well to bear in mind the views of Her Majesty's Government as to the main questions of principle involved in this matter.

These questions appear to be as follows:—

1. In what cases may a vessel which has committed an offence within territorial waters be captured outside such waters?

2. May the boats of a vessel be regarded as forming part of the vessel? and

3. Is a seizure in non-territorial waters made on suspicion of an offence within such waters justifiable if the subsequent search affords evidence of the offence having been committed?

With reference to the first question, it is the opinion of Her Majesty's Government that such an offending vessel can only be arrested if there has been a hot and continuous pursuit from the time of the offence to the time of the arrest, and that the pursuit cannot properly be described as hot and continuous unless it has been carried on so that (apart from any evidence found upon arrest) there can be no reasonable doubt that the vessel arrested was the one that committed the offence.

It appears doubtful whether the Russian Government clearly recognize this principle, which, however, Her Majesty's Government believe to be in accordance with international law and practice.

With respect to the second question, Her Majesty's Government are ready to admit, for the purposes of the present case, that the boats of a vessel which commit an offence render the vessel herself liable to seizure for such offence whenever it appears that the boats were acting with the consent, expressed or implied, of the master of the vessel, and provided that the pursuit of such vessel be hot and continuous.

It does not seem to them that the Russian Government substantially take a different view, though M. Chichkine's reference to this principle in his note of the 29th May is perhaps rather loosely worded.

With reference to the third question, Her Majesty's Government cannot admit the principle that vessels may be searched on suspicion, and that seizures may be justified by the result of the search.

No doubt by Convention such rights of search are in special cases allowed, as, for instance, in the Conventions relating to the Slave Trade, and the results of such search may justify the seizure; but this principle cannot, apart from Convention, be admitted

If, however, the Government of Her Majesty are satisfied that the vessel in question had committed offences against a friendly Power, it is no doubt a matter for them to consider how far it is politic or wise to protect the offenders. This is a principle of policy which largely affects, for example, international dealings in relation to the Hovering Acts.

Until fuller information is received, Her Majesty's Government do not feel that the claims in respect of any of the seizures can at present be abandoned. It is only when these particulars are received that it will be possible to discriminate between the cases, and to decide whether a Commission of Inquiry should be demanded, and, if so, in relation to which of them.

I am, &c.,

H. Howard, Esq.

ROSEBERY.

Mr. Howard to the Earl of Rosebery.—(Received November 30.)

MY LORD,

St. Petersburg, November 25, 1893.

WITH reference to your Lordship's despatch of the 15th instant relative to the reply of the Russian Government of the ^{29th May}_{10th June} on the subject of the seizure, last year, of certain British sealing-vessels by Russian cruisers in the North Pacific, I have the honour to transmit herewith a copy of the note which, in obedience to the instructions contained in the above-named despatch, I have this day addressed to the Imperial Government, asking for copies of the protocols containing the circumstances of the seizure of the *Rosie Olsen*, *Marie*, *Carmolite*, and *Vancouver Belle*, for permission to inspect the logs and charts of these vessels upon which the cases against them are founded, and for the reports on the courses of the *Zabiaka*, *Vitiaz*, and *Kotik*.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure.)—Mr. Howard to M. de Giers.

M. LE MINISTRE,

St. Petersburg, November 1st 1893.

IN obedience to the instructions which I have received from the Earl of Rosebery, I have the honour to inform your Excellency that the note which the Imperial Ministry of Foreign Affairs was so good as to address to the late Sir Robert Morier on the ^{29th May}_{10th June} last relative to the seizure of certain British sealing-vessels by Russian cruisers in the North Pacific, together with its inclosures, has been under the careful consideration of Her Majesty's Government.

As a result of this examination, it appears to them that the facts of these seizures, as represented by the Imperial Government on the

one side and by the Canadian sealers on the other, are contradictory in some material points.

Under these circumstances I am directed to explain that Her Majesty's Government, with the object of arriving at a clear knowledge of these facts, are endeavouring to obtain additional information from the Government of Canada; but that they find it necessary at the same time to request the Russian Government to kindly furnish them with copies of the following documents referred to in the Report of the Special Commission, which formed the second inclosure in the above-named note from the Imperial Ministry, viz. :—

The protocols containing the circumstances of the seizure of the *Rosie Olsen*, *Marie*, *Carmolite*, and *Vancouver Belle*, and the reports on the courses of the Imperial cruisers *Zabiaka*, *Vitiaz*, and *Kotik*.

Her Majesty's Government further request that permission may be granted for an inspection of the logs and charts of the four above-named Canadian vessels, upon which the cases against them are founded.

In submitting this request to the Imperial Government, I avail myself, &c.,

M. de Giers.

HENRY HOWARD.

Mr. Howard to the Earl of Rosebery.—(Received December 11.)

MY LORD,

St. Petersburg, December 7, 1893.

WITH reference to my despatch of the 25th ultimo, I have the honour to inform your Lordship that when at the Ministry for Foreign Affairs one day last week I inquired of Count Kapnist whether he had seen my note to M. de Giers of the 1st November, requesting that Her Majesty's Government might be furnished with certain documentary evidence relative to the seizure of the Canadian sealers by Russian cruisers last year in the North Pacific.

His Excellency replied that the note in question had come under his notice, and had already been transmitted to the Ministry of Marine, as that Department had charge of these cases, and the documents, &c., connected with the same.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

Mr. Howard to the Earl of Rosebery.—(Received December 20.)

(Telegraphic.)

St. Petersburg, December 20, 1893.

In an interview I had with Count Kapnist this afternoon I was informed me, in the name of the Russian

Government, that no precise details as to the working of our Sealing Arrangement had been received as yet, but that they saw that some sort of arrangement was necessary. The Russian Government are therefore, under these circumstances, anxious to know whether Her Majesty's Government would consent to the continuation of the present arrangement until further notice, especially seeing that the arrangement in question terminates on the 31st proximo.

I was begged by Count Kapnist to make this inquiry of your Lordship by telegraph, who said further that this proposed prolongation could be arranged by a simple exchange of notes. His Excellency added that his Government would send their note to me at no distant date should Her Majesty's Government agree to this proposal.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.)

Foreign Office, December 21, 1893.

I HAVE received your telegram of yesterday respecting the Sealing Agreement between Great Britain and Russia.

Previous to its receipt I was just about to instruct you to ascertain the wishes of the Russian Government as to the prolongation of the measure.

I authorize you to consent at once to an interchange of notes with the object of prolonging the arrangement until further notice is given by either party. Such consent should, however, be conditional on the Russian Government making arrangements with that of the United States, by which similar restrictions shall be enforced against sealing-vessels belonging to citizens of the United States.

Mr. Howard to the Earl of Rosebery.—(Received December 24.)

(Telegraphic.)

St. Petersburg, December 24, 1893.

I HAD a conversation on the 22nd December with M. de Giers, who shares the view expressed in your Lordship's telegram of the 21st instant, that American sealing-vessels should be subjected to restrictions similar to those enforced against British vessels under our existing arrangement with Russia.

The prolongation until further notice of the *modus vivendi* is officially proposed by the Russian Government in a note which I have received from them this morning, of which a copy goes to your Lordship to-day by post. The Russian Government undertake that they will without delay take all the necessary steps in order to arrive at an understanding with the United States' Government for the

application to American sealing-vessels of the restrictions in question; and they express the opinion that it will be sufficient, in order to keep our present arrangement in force, that we on our part return a simple affirmative reply to their note.

Mr. Howard to the Earl of Rosebery.—(Received December 25.)

MY LORD,

St. Petersburg, December 20, 1893.

WITH reference to my telegram of to-day's date, I have the honour to inform your Lordship that Count Kapnist told me this afternoon that he had been charged by M. de Giers to make a proposal respecting our sealing arrangements.'

The Russian Government had as yet received but imperfect details as to how it had worked, but they were fully persuaded of the necessity of having some arrangement with us so as to avoid a repetition of the misunderstandings, &c., which had arisen before the conclusion of our present one. They knew that England and the United States of America were negotiating respecting the carrying out of the decisions and recommendations of the Paris Arbitration Commission, and it was more than probable that at some date a common Agreement would be come to between England, America, Russia, and other nations interested in the seal fisheries; but such a common Agreement would not, of course, be possible within the immediate future, and, in the meantime, our present arrangement will come to an end on the 31st of this month. In view of these facts, the Russian Government were anxious to ascertain whether Her Majesty's Government would be willing to agree to a prolongation of our present arrangement until further notice ("jusqu'à nouvel ordre"), and they would be greatly obliged if I would make this inquiry by telegraph.

Count Kapnist said that should Her Majesty's Government approve this arrangement it could be effected by an exchange of notes, and that in the event of your Lordship's reply being favourable, the Russian Government were prepared to address their note to me on this subject at an early date. I replied that I would inform your Lordship at once, by telegraph, of the proposal in question, but that even if Her Majesty's Government approved the same I thought that further legislation would be required which might cause some delay. His Excellency answered that the seal fishing did not, he thought, commence until April, but that the sooner the Agreement could be come to the better it would be.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

Mr. H. word to the Earl of Rusbury.—*London, December 27.*

My Lord,

St. Petersburg, December 25, 1894.

I HAVE the honour to report that I saw M. de Serebrennikov the day before yesterday, and on that occasion communicated to him the substance of your Lordship's suggestion of the two months' suspension of the privileges of the Press pending the Seating Arrangement.

His Excellency stated that he shared your Lordship's view as to the arrangement being made to squash an American woman and added that he would return a reply as expedient as possible.

This morning I have received a note from the Russian Government of which I inclose a copy, officially proposing the privileges of the Press under interim arrangements. The Russian Government is positive that the Russian Government will not accept any alternative reply to their offer will suffice to keep the interim arrangements in force, and that they intend to take the necessary steps without delay to conclude an arrangement with the Government of the United States of America in which provisions similar to those agreed upon with the Kingdom of Germany, shall be applied to American women.

I saw Count Kapriel this morning, and he said he had seen M. de Serebrennikov the United States' Minister, who is every day the Minister's Ministry in Germany, returned to St. Petersburg. The Russian Government would conclude an arrangement with the United States of America in which provisions similar to those agreed upon with the Kingdom of Germany, shall be applied to American women. He stated that in the above-mentioned note to the Russian Government had used the term "interim" as he had seen that it had been employed by the Paris Tribunal in Arrangement.

Yours &c.

The Earl of Rusbury.

Henry J. Vill.

Inclosure 1.—M. de Serebrennikov to Mr. Serebrennikov.

M. LE CHARGÉ D'AFFAIRES.

St. Petersburg, December 27, 1894.

Nos arrangements relativement à la peine des journaux à l'égard desquels le 1^{er} Janvier prochain la Russie 1894 se soumettra à l'Empire se propose de les restaurer, sous le gouvernement du Gouvernement de la Majesté Britannique, jusqu'à l'arrivée de la

Les arrangements en question se trouvent énoncés dans la note que vous a été adressée par le Ministère Impérial en date du 7^{er} Juin de l'année 1893, et dont son Excellence Sir Robert Marley a bien voulu prendre acte par sa note du 11^{er} du même mois. J'ai sous l'impression d'une simple réponse affirmative à la présente communication pour les considérer comme restant en vigueur.

Je m'empresse d'ajouter qu'en renouvelant les arrangements susmentionnés le Gouvernement Impérial s'engage à faire sans délai toutes les démarches nécessaires auprès du Gouvernement des États-Unis d'Amérique pour que des mesures restrictives semblables à celles qui sont convenues avec le Gouvernement de Sa Majesté Britannique quant à la pêche des phoques à fourrure soient appliquées aux navires Américains.

En vous priant, M. le Chargé d'Affaires, de porter ce qui précède à la connaissance de votre Gouvernement, et de vouloir bien me faire part de sa réponse, je profite, &c.

H. Howard, Esq.

GIBBS.

The Earl of Rosebery to Mr. Howard.

SIR,

Foreign Office, January 3, 1894.

I HAVE considered, in consultation with Her Majesty's Secretary of State for the Colonies, your despatch of the 24th ultimo, inclosing a note from the Russian Government, formally proposing that the arrangement between this country and Russia for the protection of fur-seals in the North Pacific, which expired on the 1st instant, should be prolonged until further notice.

I now inclose a draft of a note which you are authorized to address to the Russian Government, accepting their proposal on certain conditions.

As soon as this exchange of notes has been effected, steps will be taken for the issue of a fresh Order in Council to enforce the arrangement.

I am, &c.,

H. Howard, Esq.

ROSEBERY.

(Inclosure.)—Draft Reply to Russian Government.

M. LE MINISTRE,

I HAVE referred to Her Majesty's Government the note which your Excellency did me the honour to address to me on the 11thth 23rd December last, stating that, as the arrangement entered into between Her Majesty's Government and the Imperial Government in May 1893 for the regulation of the seal fishery in the neighbourhood of the Russian coasts and islands expires on the 1st January, your Government are anxious that it should be renewed until further notice. You were good enough at the same time to assure me that the Imperial Government would take, without delay, the necessary steps to enter into a similar Agreement with the Government of the United States.

I am directed by Her Majesty's Government to state that

they agree to the prolongation of the arrangement on the understanding that the Imperial Government obtain the consent of the Government of the United States to the application of similar restrictions to the sealing-vessels of the latter country.

The Earl of Rosebery to Mr. Howard.

(Telegraphic,)

Foreign Office, January 9, 1894.

MAKE the following addition to your note to the Russian Government respecting the Sealing Agreement :—

“ Her Majesty’s Government will accordingly take the necessary measures for carrying this arrangement into effect.”

Above addition will make the matter quite clear, and show that it is not necessary that the Russian Government should send a reply.

Mr. Howard to the Earl of Rosebery.—(Received January 15.)

MY LORD,

St. Petersburg, January 10, 1894.

WITH reference to your Lordship’s despatch of the 3rd instant, I have the honour to inclose herewith a copy of the note which, in obedience to your Lordship’s instructions, I addressed to-day to the Imperial Government on the subject of the prolongation of the arrangement between Great Britain and Russia for the protection of fur-seals in the North Pacific.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

(Inclosure.)—Mr. Howard to M. de Giers.

M. LE MINISTRE,

*St. Petersburg, December 29, 1893,
January 10, 1894.*

I HAVE referred to Her Majesty’s Government the note which your Excellency did me the honour to address to me on the ^{11th} ~~23rd~~ December last, stating that, as the arrangement entered into between Her Majesty’s Government and the Imperial Government in May 1893 for the regulation of the seal fishery in the neighbourhood of the Russian coasts and islands expires on the 1st January, your Government are anxious that it should be renewed until further notice.

You were good enough, at the same time, to inform me that the Imperial Government would take, without delay, the necessary steps to enter into a similar Agreement with the Government of the United States.

I am now instructed by Her Majesty's Government to state that they agree to the prolongation of the arrangement, on the understanding that the Imperial Government obtain the consent of the Government of the United States to the application of similar restrictions to the sealing-vessels of that Republic. Her Majesty's Government will accordingly take the necessary measures for carrying this arrangement into effect.*

I avail, &c.,

M. de Giers.

HENRY HOWARD.

Mr. Howard to the Earl of Rosebery.—(Received January 22.)

MY LORD,

St. Petersburg, January 11, 1894.

WITH reference to my despatch of the 10th instant, inclosing a copy of the note which I addressed to M. de Giers on the subject of the prolongation until further notice of our arrangement with Russia for the protection of fur-seals in the North Pacific, I have the honour to report that Count Kapnist, who had read my note, told me yesterday afternoon that the Imperial Government had already commenced negotiations through the American Minister at this Court for a similar Agreement with the Government of the United States.

His Excellency seemed to think that there would be no great difficulty in obtaining the consent of the United States' Government to the arrangement in question.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

Mr. Howard to the Earl of Rosebery.—(Received February 19.)

MY LORD,

St. Petersburg, February 14, 1894.

WHEN at the Ministry of Foreign Affairs this afternoon I asked Count Kapnist whether the United States' Government had replied to the invitation of M. de Giers to join our Sealing Agreement. His Excellency answered that the Imperial Government had received a telegram from the Russian Minister at Washington, stating that Mr. White's despatch on this subject had not yet reached the State Department, but that he did not think that the United States' Government would make much difficulty about consenting to a similar Agreement.

I have, &c.,

The Earl of Rosebery.

HENRY HOWARD.

The Earl of Rosebery to Mr. Fraser (Tôkiô).

(Telegraphic.)

Foreign Office, March 3, 1894.

I ~~sent~~ you on the 9th ultimo an Order in Council prolonging the Sealing Arrangement with Russia.

You should issue warnings as was done last year.

The Earl of Rosebery to Mr. Howard.

SIR,

Foreign Office, March 6, 1894.

WITH reference to your despatch of the 10th January in regard to the prolongation of the Sealing Arrangement with Russia, I transmit herewith copies of an Order in Council passed on the 29th January last for giving effect to that arrangement, and of a letter to the Lords Commissioners of the Admiralty, suggesting that similar steps should be taken to those adopted last year for insuring the co-operation of British cruisers with the vessels of the Imperial navy employed on this service.

Copies of the Order have been also sent to Her Majesty's Minister in Japan, and instructions have been given to him by telegraph to issue the necessary warning to British sealers.

You should communicate the Order in Council to the Russian Government.

I am, &c.,

H. Howard, Esq.

ROSEBERY.

Mr. Howard to the Earl of Kimberley.—(Received March 18.)

MY LORD,

St. Petersburg, March 14, 1894.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which I addressed to M. de Giers in accordance with the instructions contained in Lord Rosebery's despatch of the 6th instant, forwarding to his Excellency a copy of the Order in Council respecting the prolongation of the Sealing Arrangement with Russia.

I have, &c.,

The Earl of Kimberley.

HENRY HOWARD.

(Inclosure.)—Mr. Howard to M. de Giers.

M. LE MINISTRE,

*St. Petersburg, February 28,
March 13, 1894.*

WITH reference to the note which I had the honour to address to your Excellency on the ^{20th December}~~10th January~~ last regarding the prolongation of the Sealing Agreement concluded for the year 1893 between our two Governments, I have been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to forward to your Excellency

the inclosed copy of an Order in Council, passed on the 1st [? 1st] January, by which that arrangement is carried into effect.

Her Majesty's Government have suggested to the Lords of the Admiralty that similar steps should be taken to those adopted last year for insuring the co-operation of British cruisers with the vessels of the Imperial navy employed on this service; and instructions have been given by telegraph to Her Majesty's Minister in Japan to issue the necessary warning to British sealers.

I avail, &c.,

M. de Giers.

HENRY HOWARD

Sir J. Pauncefote to the Earl of Kimberley.—(Received June 14.)

MY LORD,

Washington, June 4, 1894

I HAVE the honour to inclose a copy of the *modus vivendi* which has been concluded between the United States and Russia, for the protection of fur-seals, within a zone of 10 nautical miles along the Russian coasts of Behring Sea and of the North Pacific Ocean, as well as within a zone of 30 nautical miles round the Commander Islands and Robben Island.

I have, &c.,

The Earl of Kimberley.

JULIAN PAUNCEFOTE

(Inclosure).—Agreement between the Government of the United States and the Imperial Government of Russia, for a modus vivendi in relation to the Fur-seal Fisheries in Behring Sea and the North Pacific Ocean.—Signed at Washington, May 4, 1894.

FOR the purpose of avoiding difficulties and disputes in regard to the taking of fur-seal in the waters of Behring Sea and the North Pacific Ocean, and to aid in the preservation of seal life, the Government of the United States and the Imperial Government of Russia have entered into the following temporary Agreement, with the understanding that it is not to create a precedent for the future, and that the Contracting Parties mutually reserve entire liberty to make choice hereafter of such measures as may be deemed best adapted for the protection of the fur-seal species, whether by means of prohibitive zones, or by the complete prohibition of pelagic sealing, or by appropriate regulation of seal hunting in the high seas:—

I. The Government of the United States will prohibit citizens of the United States from hunting fur-seal within a zone of 10 nautical miles along the Russian coasts of Behring Sea and of the North Pacific Ocean, as well as within a zone of 30 nautical miles around the Komandorsky (Commander) Islands and Tulenew (Robben)

Island, and will promptly use its best efforts to insure the observance of this prohibition by citizens and vessels of the United States.

II. Vessels of the United States engaged in hunting fur-seal in the above-mentioned zones outside of the territorial waters of Russia may be seized and detained by the naval or other duly commissioned officers of Russia; but they shall be handed over as soon as practicable to the naval or other commissioned officers of the United States, or to the nearest authorities thereof. In case of impediment or difficulty in so doing, the Commander of the Russian cruiser may confine his action to seizing the ship's papers of the offending vessels in order to deliver them to a naval or other commissioned officer of the United States, or to communicate them to the nearest authorities of the United States as soon as possible.

III. The Government of the United States agrees to cause to be tried by the ordinary Courts, with all due guarantees of defence, such vessels of the United States as may be seized, or the ship's papers of which may be taken, as herein prescribed, by reason of their engaging in the hunting of fur-seal within the prohibited zones outside of the territorial waters of Russia aforesaid.

IV. The Imperial Russian Government will limit to 80,000 head the number of fur-seals to be taken during the year 1894 on the coasts of the Komandorsky (Commander) and Tulenew (Robben) Islands.

V. The present Agreement shall have no retroactive force as regards the seizure of any seal-hunting vessel of the United States by the naval or other commissioned officers of Russia prior to the conclusion hereof.

VI. The present Agreement, being intended to serve the purpose of a mere provisional expedient to meet existing circumstances, may be terminated at will by either party upon giving notice to the other.

In witness whereof we, Walter Q. Gresham, Secretary of State of the United States, and Prince Grégoire Cantacuzene, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias, have, on behalf of our respective Governments, signed and sealed this Agreement in duplicate, and in the English and French languages, in the city of Washington, this

Signed April
25th May, 1894.

(L.S.) WALTER Q. GRESHAM.

(L.S.) PRINCE CANTACUZENE

Mr. Howard to the Earl of Kimberley.—(Received July 23.)

MY LORD,

St. Petersburg, July 19, 1894

WITH reference to my despatch of the 7th December last respecting the request made to M. de Giers that Her Majesty's Government might be furnished with certain documentary evidence relative to the seizure of Canadian sealers in 1892, I have the honour to inform your Lordship that last week I again asked Count Kapnist whether the Minister of Marine, to whom the request had been referred, had come to any decision in the matter.

His Excellency's reply was that Admiral Tchikhatchow had not yet sent an answer to the communication from the Ministry of Foreign Affairs on this subject, but that the latter would write to him again.

I have, &c.,

The Earl of Kimberley.

HENRY HOWARD

The Earl of Kimberley to Sir F. Lascelles.

SIR,

Foreign Office, August 1, 1894

I HAVE received Mr. Howard's despatch of the 19th July, reporting that no reply had been received from the Russian Government to the application of Her Majesty's Government to be furnished with certain documentary evidence in connection with the seizure of Canadian sealers in 1892.

I have to request your Excellency to give this matter your early attention.

I am, &c.,

Sir F. Lascelles.

KIMBERLEY.

Sir F. Lascelles to the Earl of Kimberley.—(Received August 20.)

MY LORD,

St. Petersburg, August 14, 1894.

IN an interview which I had with Count Kapnist yesterday, I observed to his Excellency that no answer had yet been returned to the note which Mr. Howard had addressed to M. de Giers on the 11th November last on the subject of the application of Her Majesty's Government to be furnished with certain documentary evidence in connection with the seizure of Canadian sealers in 1892. I added that Mr. Howard had, in the month of December last, brought the matter to the notice of his Excellency, who had replied that the case had been referred to the Minister of Marine. I had now been instructed to bring the matter again before the Russian Government, in the hope that the documentary evidence might shortly be forthcoming. I added that Her Majesty's Government

had applied for further information from the Canadian Government in order to arrive at a clear knowledge of the facts.

Count Kapnist replied that he could only give me the answer which he had already given to Mr. Howard, viz., that the Minister of Marine had not yet replied to the application made to him by the Minister for Foreign Affairs.

I expressed the hope that his Excellency might be able to furnish me shortly with a reply in this case.

I have, &c.,

The Earl of Kimberley.

FRANK C. LASCELLES.

Sir F. Lascelles to the Earl of Kimberley.—(Received September 17.)

MY LORD,

St. Petersburg, September 8, 1894.

I HAVE the honour to inclose a copy of a note which I have addressed to M. de Giers, calling his Excellency's attention to the delay which has occurred in meeting the application of Her Majesty's Government for certain documentary evidence in connection with the seizure of Canadian sealers in 1892, and expressing the hope that I may be favoured with the reply of the Imperial Government.

I have, &c.,

The Earl of Kimberley.

FRANK C. LASCELLES.

(Inclosure.)—Sir F. Lascelles to M. de Giers.

M. LE MINISTRE,

St. Petersburg, August 27, 1894.
September 3,

ON the 14th November of last year Mr. Howard had the honour of addressing a note to your Excellency, to communicate the request of Her Majesty's Government to be furnished with certain documentary evidence in connection with the seizure of Canadian sealers in 1892.

In the early part of December Mr. Howard reminded Count Kapnist that no reply had been received from the Russian Government on the subject, and shortly after my arrival at St. Petersburg I again brought the matter to the notice of Count Kapnist, who informed me, as he had previously on more than one occasion informed Mr. Howard, that the application had been forwarded to the Imperial Ministry of Marine, from whom no reply had yet been received.

I have been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to call your Excellency's attention to the delay which has occurred in meeting this application of

Majesty's Government, and to express the hope that I may be favoured with the reply of the Imperial Government.

I avail, &c.,

M. de Giers.

F. LASCELLES.

*DETAILED REGULATIONS for the Exchange of Postal Parcels, both Insured and Uninsured, between the United Kingdom of Great Britain and Ireland and Belgium.—Signed at London, January 12, and at Brussels, February 9, 1894.**

I.—1. THE exchange of postal parcels is effected by the route of Dover and Ostend.

2. After arrangement, if need be, with the other Offices concerned, each Administration communicates to the other, by means of forms prepared in conformity with specimen A annexed, as follows:—

(a.) A list of the countries with which postal parcels may be exchanged through its intermediary;

(b.) The routes of conveyance available for postal parcels from the point of entry on its territory or into its service;

(c.) The sum total of the payments for which the Administration from which the parcels are received is responsible on account of each country.

3. In conformity with these Forms A, each Administration fixes the routes to be employed for the transmission of its postal parcels, and determines the payments to be collected from the senders according to the conditions regulating the transit services.

II.—1. In collecting postage 50 centimes are taken as the equivalent of 5 pence.

2. The postage to be collected, including the fee for delivery at the house of the addressee, is therefore as follows:—

(a.) *In England.*

For parcels not exceeding 3 lb. avoirdupois, 1s. 3d.;

For parcels exceeding 3 lb. but not exceeding 7 lb. in weight, 1s. 8d.

For parcels exceeding 7 lb. but not exceeding 11 lb. in weight, 2s. 2½d.;

And for insured parcels, an additional fee of 2½d. for each 12l. or fraction of 12l. of the value insured, and a registration fee of 2½d. per parcel.

* of same date, see page 14.

(b.) In Belgium.

For parcels not exceeding 1 kilog., 1 fr. 50 c. ;

For parcels exceeding 1 kilog. but not exceeding 3 kilog. in weight, 2 fr. ;

For parcels exceeding 3 kilog. but not exceeding 5 kilog. in weight, 2 fr. 65 c. ;

And for insured parcels an additional fee of 25 centimes for each 300 fr. or fraction of 300 fr. of the value insured.

3. When prepayment has not been effected by stamps, the amount of the sum levied must be inscribed on the despatch note which accompanies each parcel.

III.—Parcels posted in the United Kingdom for Belgium must not exceed in length, breadth, or thickness 2 feet English (about 61 centim.); parcels posted in Belgium for the United Kingdom must not exceed in length, breadth, or thickness 60 centim.

IV.—Parcels containing explosive or combustible matter, and, in general, articles the transmission of which is attended with danger, are excluded from transmission.

V.—1. In order to be admitted to the service, insured parcels must be sealed by means of sealing wax, lead, or otherwise, with some special seal or mark of the sender.

2. The despatch notes accompanying these parcels should bear, in each case, a reproduction of the seal before mentioned.

3. This rule is, however, not obligatory in Great Britain; but if no such seal is found either upon the despatch note or upon the parcel, the Administrations decline all responsibility for loss or damage, in so far as the loss or damage is the result of the omission.

4. The amount of the value insured must be entered on the cover of the parcel and also on the despatch note; and no erasure or addition, even if certified, is allowed. When this entry is expressed in English money, the sender or the office of origin must indicate by new figures, placed beside or below the figures representing the value in English money, the equivalent of the latter in francs and centimes.

VI.—1. Each parcel must be accompanied by a despatch note and by Customs declarations, in conformity with or analogous to specimens B and C hereto annexed. The Administrations inform each other of the number of Customs declarations to be furnished for each destination.

2. Two or three parcels from the same sender to the same addressee may be entered on one despatch note and one Customs declaration form; but the same despatch note cannot be used both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilogrammes and grammes must be entered by the office of origin both on the cover of the parcel and on the despatch note.

4. In the case of parcels sent from England to Belgium, the Customs declarations must be prepared in the French language.

VII.—1. Each parcel, as well as the despatch note relating to it, must bear a label in conformity with, or analogous to, specimen D hereto annexed, indicating the registered number and the name of the office of posting.

2. Each insured parcel must bear a red label with the words “Valeur déclarée” upon it.

3. When the parcels contain coin, articles of gold or silver, or other precious objects, the labels prescribed above must be placed apart, in such a way that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge.

4. The despatch note is moreover impressed by the office of origin, on the address side, with a stamp indicating the place and date of posting.

VIII.—1. The service of exchange is intrusted in Belgium exclusively to the Offices of Brussels and Ostend, and in the United Kingdom to the Office of London.

2. The transmission of parcels between the English and Belgian Offices of Exchange takes place by means of closed bags, boxes, or baskets; and the following procedure is observed:—

From Belgium.

Parcels presented for transmission at the different Offices in Brussels circulate to the station of Brussels (North), and parcels presented for transmission at all Belgian Offices other than those of Brussels circulate to the station at Ostend (Quay). The Offices of Brussels (North) and of Ostend (Quay) each make up direct bags, boxes, or baskets for London. In these bags, boxes, or baskets are included all the parcels for the United Kingdom and countries beyond.

From the United Kingdom.

The Office of Exchange of London makes up direct bags, boxes, or baskets for Ostend and for Brussels. It includes in the bags, boxes, or baskets for Brussels parcels addressed to the town of Brussels and its suburbs, and in the bags, boxes, or baskets for Ostend the remainder of the parcels.

3. The dispatching Office of Exchange prepares for the receiving Office of Exchange a ~~specimen~~ similar to the specimen E annexed to the present Regr ~~ulation~~ bill containing particulars of the

parcels comprised in the mail. The despatch notes and the Customs declarations are attached to the bill.

IX.—1. On the receipt of a parcel bill, the receiving Office of Exchange proceeds to verify the postal parcels and the various documents entered on it, and, if needful, reports missing articles or other irregularities, acting in accordance with the rules laid down for registered articles by Article XIV of the detailed regulations of the principal Convention of the Universal Postal Union.*

2. The bags, boxes, or baskets used for the mails are secured with the seals of the dispatching Office of Exchange; and such seals must only be removed by the Office of Exchange of destination.

3. The officers who handle the mails in transit between the Offices of Exchange confine themselves to ascertaining whether the seals attached to the bags, boxes, or baskets, when received by them, are intact.

4. Responsibility for damaged and for missing articles discovered by the exchanging Office of destination at the time of opening the bags, boxes, or baskets falls upon the Administration to which the dispatching Office of Exchange is subordinate, unless it be proved that the articles have been damaged or lost during the transit over the territory of the other Administration.

5. The Offices of the United Kingdom and of Belgium respectively admit, the former the statements of the Offices of Exchange at Ostend and Brussels, and the latter the statement of the London Office.

X.—1. Postal parcels retransmitted in consequence of mis-sending are forwarded to their destination by the most direct route at the disposal of the Office retransmitting them. When this retransmission involves the return of the parcels to the Office of origin, the amounts credited in the parcel bill of that Office are cancelled, and the retransmitting Office of Exchange sends these parcels to the corresponding Office, simply recording them on the parcel bill, after having called attention to the error by means of a verification certificate. In the contrary case, and if the amount credited to the retransmitting Office is insufficient to cover the expenses of retransmission which it has to defray, it recovers the difference by raising the amount entered to its credit in the parcel-bill of the dispatching Office of Exchange. The reason for this rectification is notified to the said Office by means of the verification certificate.

2. Postal parcels redirected, in consequence of the removal of the addressees, to a country which is a party to the Parcel Post Convention of the Universal Postal Union, are subjected by the

delivering Office to a charge, to be paid by the addressees, representing the share due to this latter Office, to the redirecting Office, and to each intermediary Office if there be any. The redirecting Office credits itself with its share by charging it to the intermediary Office or to the Office of the new destination. In case the redirecting country and that of the new destination are not adjacent, the first intermediary Office, which receives a redirected postal parcel, credits itself with the amount of its share and with that of the redirecting Office by charging them to the Office to which it delivers the parcel; and the latter, in its turn, if it is itself only an intermediary, charges its own share against the next Office, with the addition of what has been credited to the preceding Office. The same operation is repeated between the several Offices taking part in the conveyance, until the parcel reaches the delivering Office.

3. But if the amount chargeable for the further conveyance of a redirected parcel is paid at the time of its redirection, the parcel is dealt with as if it had been addressed direct from the re-transmitting country to the country of destination, and delivered without any postal charge to the addressee.

4. The senders of parcels which cannot be delivered shall be consulted as to the manner in which they wish to dispose of them.

5. The requests for information are exchanged between the Chief Offices of the Administrations. If within three months, counting from the despatch of the request form, the Office of destination has not received sufficient instructions, the parcel is sent back to the Office of origin.

6. Articles liable to deterioration or corruption may, however, be sold immediately, without previous notice or judicial formality, for the benefit of the right party. An account of the sale is drawn up.

7. Parcels which have to be returned to the sender are entered on the parcel bill with the addition of the word "Undelivered" in the column for observations. They are dealt with and taxed like articles redirected in consequence of the removal of the addressees.

8. Postal parcels, the addressees of which have left for a country which is a party neither to the Parcel Post Convention of the Universal Postal Union, nor to the Agreement for the exchange of parcels between Belgium and Great Britain, are dealt with as undeliverable, if the Administration of the first country of destination be not in a position to forward the parcel to the addressee.

XI.—1. Each Administration causes each of its exchanging Offices to prepare monthly, for all the mails received from the exchanging Offices of the other Administration, a statement, in conformity with specimen F appended to the present regulations, of the sums entered on each parcel bill, whether to its credit, for its own share and the share of each of the Administrations, if any, concerned

in the rates levied by the dispatching Office, or to its debit, for the share, due to the redirecting Office and to the intermediary Offices, of the rates to be recovered from the addressees in the case of re-directed and undelivered parcels.

2. The statements F are afterwards recapitulated by the same Administration in an account G, also annexed to the present Regulations.

3. This account, accompanied by the monthly statements, the way bills, and, if any, the verification certificates relating thereto, is submitted to the examination of the corresponding Office in the course of the month following that to which it relates.

4. The monthly accounts, after having been verified and accepted on both sides, are included in a general quarterly account by the Office to which the balance is due.

5. The payment resulting from the balance of the accounts between two Offices is made by the indebted Office in francs, in specie, and by means of bills drawn on the capital or one of the commercial towns of the country to which the balance is due—the expense attendant on the payment being at the charge of the indebted Office.

6. The drawing-up, transmission, and payment of the accounts must be effected as early as possible, and at the latest before the expiration of the following quarter. After the expiration of this term, the sums due from one Office to the other bear interest, at the rate of 5 per cent. per annum, to be reckoned from the date of expiration of the said term.

7. The option is, however, reserved to the two Administrations of adopting, by mutual consent, measures other than those formulated in the present Article.

XII.—1. The Administrations shall reciprocally communicate to each other some time before the execution of the Agreement an extract of the laws and regulations relating to the conveyance of postal parcels.

2. Every subsequent modification effected in these Regulations must be notified without delay.

XIII.—The present detailed Regulations take effect on the date when the Agreement comes into force.

They shall have the same duration as the Agreement. The Administrations interested have, however, the power by common consent to modify the details from time to time.

Done in duplicate at London, the 12th day of January, 1894, and at Brussels, the 9th day of February, 1894.

(L.S.) ARNOLD MORLEY.

(L.S.) A. DUBOIS, *Administrator*.

COMMERCIAL CONVENTION between Austria-Hungary and Russia.—Signed at St. Petersburg, May 1st, 1894.

[Ratifications exchanged at St. Petersburg, ^{June 24}_{July 6}, 1894.]

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, et Sa Majesté l'Empereur de Toutes les Russies, désirant favoriser le développement des relations commerciales entre les deux pays, ont décidé de conclure dans ce but une Convention spéciale et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, M. le Comte Antoine de Wolkenstein-Trostburg, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ; et

Sa Majesté l'Empereur de Toutes les Russies, M. Nicolas Giers, son Conseiller Privé Actuel, Secrétaire d'État, Sénateur, et Ministre des Affaires Étrangères ; et M. Serge Witte, son Conseiller Privé et Ministre des Finances ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent réciproquement de n'accorder aucun abaissement de taxe, privilège, faveur, ou immunité quelconque aux sujets ou aux produits d'un autre État en ce qui concerne les droits de douane, à l'entrée et à la sortie par les frontières de terre ou de mer, droits d'importation, d'exportation, et autres, qui ne soit aussi et à l'instant étendu sans condition aux nationaux et aux produits respectifs de leurs pays ; la volonté des Hautes Parties Contractantes étant que, pour tout ce qui concerne l'importation, l'exportation, le transit, l'entrepôt, la réexportation, les droits locaux, le courtage, les tarifs, et les formalités de douane, de même que pour tout ce qui a rapport à l'exercice du commerce et de l'industrie, à la navigation, à l'acquisition, et la possession de propriétés de tout genre, les Autrichiens ou Hongrois en Russie et les Russes dans la Monarchie Austro-Hongroise jouissent du traitement de la nation la plus favorisée.

II. La Monarchie Austro-Hongroise s'engage à ne prélever pendant toute la durée de la présente Convention, sur les céréales Russes à leur importation en Autriche-Hongrie, des droits autres ni plus élevés que ceux qui sont inscrits dans le Tarif-Général Douanier Austro-Hongrois en vigueur au moment de la signature de la présente Convention (Classe VI, Nos. 23, 23 bis, 24, et 26).

La Russie s'engage à ne prélever pendant toute la durée de la présente Convention sur les articles énumérés dans le Tarif (A)* annexé au Traité de Commerce et de Navigation, conclu le ^{29 Janvier} 1894, entre la Russie et l'Allemagne, à leur importation de la Monarchie Austro-Hongroise en Russie, des droits autres ni plus élevés que ceux qui sont inscrits dans le dit Tarif (A).

III. Ne sont pas censées déroger aux dispositions de la présente Convention :—

1. Les obligations imposées à l'une des Hautes Parties Contractantes par les engagements d'une Union Douanière, notamment les faveurs accordées par la Monarchie Austro-Hongroise, de ce chef, à la Principauté de Liechtenstein, à la Bosnie, et à l'Herzégovine ;

2. Les faveurs actuellement accordées ou qui pourraient être accordées ultérieurement à d'autres États limitrophes pour faciliter le trafic local dans une zone frontière s'étendant jusqu'à quinze kilom. de largeur ;

3. Les facilités douanières qui ne sont pas applicables dans la Monarchie Austro-Hongroise aux pays jouissant du traitement de la nation la plus favorisée, notamment :

Les facilités douanières appliquées, en vertu du Tarif-Général Austro-Hongrois, à l'importation dans la Monarchie Austro-Hongroise du pétrole brut Roumain de production indigène, dans une quantité maximum de 200,000 quintaux métriques par an, en tant que ces facilités se rapportent exclusivement à la Roumanie ;

Les facilités douanières accordées par la Monarchie Austro-Hongroise à la Serbie en vertu de l'Article III de l'Annexe (C) au Traité du 9 Août, 1892,† relativement à l'importation des céréales et autres produits agricoles Serbes dans le territoire douanier Austro-Hongrois ;

Les facilités douanières accordées à l'importation dans la Monarchie Austro-Hongroise de vins Italiens de production nationale, en tant que ces facilités se rapportent exclusivement à l'Italie ;

Les facilités douanières accordées par la Monarchie Austro-Hongroise à l'Italie et à la Suisse en vertu des Traités du 6‡ et du 10 Décembre, 1891,§ pour certains articles d'origine locale, en tant que les facilités susmentionnées se rapportent exclusivement à l'Italie, respectivement à la Suisse, et que l'importation de ces

* Page 461.

† Vol. LXXXIV, page 1024.

‡ Vol. LXXXIII, page 588.

§ Similar to Treaty of Commerce between Germany and Switzerland of the same date. See Vol. LXXXIII, page 548.

articles ne dépasse pas les conditions ni les quantités prévues par les Traités respectifs ;

4. Les faveurs actuellement accordées ou qui pourraient être accordées ultérieurement relativement à l'importation ou à l'exportation aux habitants du Gouvernement d'Arkhangel, ainsi que pour les côtes septentrionales et orientales de la Russie d'Asie (Sibérie).

Il est bien entendu, en outre, que les dispositions de l'Article I de la présente Convention ne s'appliquent ni aux stipulations contenues dans le Traité passé entre la Russie et la Suède et la Norvège le ^{26 Avril}_{8 Mai}, 1838,* ni à celles qui sont ou seront relatives au commerce avec les États et pays limitrophes de l'Asie, et que ces stipulations ne pourront dans aucun cas être invoquées pour modifier les relations de commerce et de navigation établies entre les Hautes Parties Contractantes par le Traité du $\frac{1}{14}$ Septembre, 1860,† et par la présente Convention.

IV. La présente Convention est destinée à remplacer les dispositions correspondantes, notamment les Articles XII et XX du Traité de Commerce et de Navigation du $\frac{1}{14}$ Septembre, 1860. Les dispositions de ce Traité, en tant qu'elles ne sont pas déroguées par la présente Convention, resteront en vigueur jusqu'à leur révision, sur laquelle les Hautes Parties Contractantes s'entendront dans un délai plus ou moins rapproché.

V. La présente Convention s'étend aux pays appartenant aux territoires douaniers des Hautes Parties Contractantes. Elle entrera en vigueur le $\frac{1}{15}$ Juillet, 1894, ou plus tôt si faire se peut, et restera exécutoire jusqu'au $\frac{1}{15}$ Décembre, 1903.

Dans le cas où aucune des Parties Contractantes n'aurait notifié, douze mois avant l'échéance de ce dernier terme, son intention de faire cesser les effets de la Convention, celle-ci continuera à être obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncée.

VI. La présente Convention sera ratifiée, et les ratifications en seront échangées à Saint-Petersbourg, aussitôt que possible.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Saint-Petersbourg, le $\frac{6}{15}$ Mai, 1894.

(L.S.) A. WOLKENSTEIN.

(L.S.) GIER.

(L.S.) SERGE WITTE.

TREATIES between Great Britain and Native Chiefs and States in Central Africa.—1894.(1.)—*Treaty with Sheikh of Wadelai.—February 4, 1894.*

TREATY made at Wadelai, in the Nile Valley, this 4th day of February, in the year 1894, between Major Owen, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Ali Sheikh of Wadelai, for his heirs and successors, on the other part.

I, THE Undersigned, Ali, Sheikh of Wadelai and its surroundings and belongings, do, in the presence of Headmen and people assembled at this place, hereby promise:—

ART. I. That there shall be peace between the subjects of the Queen of England and my subjects.

II. That British subjects shall have free access to all parts of Wadelai and its surroundings and belongings, comprising two days' march on both banks of the Nile northwards towards Lado, two days' march eastwards from Wadelai towards Shuli country to Mampanango, southward as far as Chief Tukondi on left bank, and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and Ali, Sheikh of Wadelai, the said Chief or Sheikh, as to the duties or customs to be paid to Ali, the said Chiefs, or the Headmen of the towns in this country aforesaid by such British subjects, or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that Ali, Sheikh of Wadelai, will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

III. That Ali, Sheikh of Wadelai, the said Chief or Sheikh, will at no time whatever cede any of his territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government, except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at Wadelai, this 4th day of February, 1894.

RODERIC OWEN, *Major.*

His
× ALI.
mark.

Signed in the presence of—

RAHMAN RASCHID EFF.

Countersigned by Mr. Purkiss, who watched the proceedings from the boat, immediately on completion of the Treaty.

WM. J. PURKISS

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the Arabic language.

Witnesses to signatures :

THOMAS MARTIN.

His

× HADAD.

mark.

Annex.—Contract.—February 5, 1894.

I undertake, as officer to the Lure Garrison at Wadelai, to preserve the British flag, and allow no one to take it from the fort or wherever it may be placed, and that I, and those under me, will serve the Queen of England as long as we may be required, on the terms laid down by Major Owen.

His

× ADA

mark.

Witnesses :

RODERIC OWEN, *Major*.

WM. J. PURKISS.

REHAN RASCHID EFF.

(2).—*Treaty with the King of Toru.—March 8, 1894.*

TREATY made near Fort Gerry, Toru, in Toru, Central Africa, the 8th day of March, in the year 1894, between Major Owen, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors on the one part, and the Undersigned, Kasagama, King of Toru and its dependencies, for his heirs and successors, on the other part.

I, THE Undersigned, Kasagama, do, in the presence of the Headmen and people assembled at this place, hereby promise :—

ART. I. That there shall be peace between the subjects of the Queen of England and my subjects.

II. That British subjects shall have free access to all parts of my dominions, including Toru, Usongoro, and the country known as Kitakwendas and their dependencies, boundaries of which

attached,* and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and myself, the said Kasagama, as to the duties or customs to be paid to me, the said Kasagama, or the Headmen of the towns in my country, by such British subjects, or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that I will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

III. That I, the said Kasagama, will at no time whatever cede any of my territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government, except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done near Fort Gerry, Toru, this 3rd day of March, 1894.

RODERIC OWEN, *Major*.

His
X KASAGAMA.
mark.

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the Unyoro and Swahili languages.

Witnesses to signatures:

Their

X **ERMANI.**

X **ISHMAEL.**

X **MAKWAYA, Lieutenant.**

marks.

(3.)—*Treaty with Maswa.—March 24, 1894.*

TREATY made at Mahaji Saghir, on west shore of Lake Albert, this 24th day of March, in the year 1894, between Captain A. B. Thruston, Oxfordshire Light Infantry, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Maswa, for his heirs and successors, on the other part.

I, THE Undersigned, Maswa, do, in the presence of Headmen and people assembled at this place, hereby promise:—

* A note of the approximate boundaries of Kasagama's country was attached to the original Treaty.

ART. I. That there shall be peace between the subjects of the Queen of England and my subjects.

II. That British subjects shall have free access to all parts of my territory, and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and mine as to any matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that I will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

III. That I, the said Maswa, will at no time whatever cede any of my territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at Mahaji Saghir, this 24th day of March, 1894.

A. B. THRUSTON, *Captain*.

His
× MASWA.
mark.

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the Unyoro language.

Witness to signatures:

His
× KIZA.
mark.

(4.)—*Treaty with the Chief Kavalli.*—April 18, 1894.

TREATY made at Injare, on the Albert Lake, in Kavalli's country, this 18th day of April, in the year 1894, between Robert Unwin Moffat, M.B., C.M., for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Chief Kavalli, for his heirs and successors, on the other part.

I, THE Undersigned, Chief Kavalli, do, in the presence of Head-men and people assembled at this place, hereby promise:—

ART. I. That there shall be peace between the subjects of the Queen of England and Kavalli's subjects.

II. That British subjects shall have free access to all parts of the country under the jurisdiction of Kavalli, and shall have the

right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and the subjects of the said Kavalli as to the duties or customs to be paid to Kavalli, the said Chief, or the Headmen of the towns in Kavalli's country, by such British subjects, or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that Kavalli will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

III. That Kavalli, the said Chief, will at no time whatever cede any of his territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at Injare, this 18th day of April, 1894.

R. U. MOFFAT.

His
× KAVALLI, *Chief*.
mark.

Signed in the presence of—

His
× MUSA B. HAMADI, *Zanzibar Headman*.
mark.

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties in the Kinyoro, Arabic, and Kiswahili languages.

Witnesses to signatures :

Their
× RABJ SURUS, *Arabic Kiswahili Interpreter*.
× KANJANGA, *Arabic Kinyoro Interpreter*.
marks.

(5.)—*Treaty with Mwanga, King of Uganda.—August 27, 1894.*

TREATY between Henry Edward Colville, a Companion of the Most Honourable Order of the Bath, a Colonel in Her Majesty's army, Her Britannic Majesty's Acting Commissioner for Uganda, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, and Mwanga, King of Uganda, for himself, his heirs and successors.

ART. I. Whereas Her Majesty's Government has sanctioned the Agreement between Mwanga, King of Uganda, and Sir Gerald [1893-94. LXXXVI.] U

Herbert Portal, K.C.M.G., C.B., Her Britannic Majesty's Commissioner and Consul-General for East Africa, made at Kampala on the 29th day of May, 1893 ;*

II. And whereas Her Britannic Majesty has been graciously pleased to bestow on the said Mwanga, King of Uganda, the protection which he requested in that Agreement :

III. I, the said Mwanga, do hereby pledge and bind myself, my heirs and successors, to the following conditions :—

IV. I undertake to make no Treaties or Agreements of any kind whatsoever with any European of whatever nationality without the consent and approval of Her Majesty's Representative.

V. I freely recognize that, so far as I, the King, am concerned, the sole jurisdiction over Europeans and over all persons not born in my dominions, and the settlement of all cases in which any such persons may be a party or parties, lies exclusively in the hands of Her Majesty's Representative.

VI. In civil cases between my subjects the Court of Her Majesty's Representative shall be a Supreme Court of Appeal, but it shall lie entirely within the discretion of the said Representative to refuse to hear such appeals.

VII. In criminal cases, where only natives are concerned, it is left to the discretion of Her Majesty's Representative to interfere in the public interest, and for the sake of justice, to the extent and in the manner which he may consider desirable.

VIII. And I, Mwanga, the King, undertake to see that due effect is given to all and every decision of the Court of Her Majesty's Representative under Articles VI and VII.

IX. I, Mwanga, fully recognize that the protection of Great Britain entails the complete recognition by myself, my Government and people throughout my Kingdom of Uganda and its dependencies, of all and every international act and obligation to which Great Britain may be a party as binding upon myself, my successors, and my said Government and people, to such extent and in such manner as may be prescribed by Her Majesty's Government.

X. No war or warlike operation of any kind shall be undertaken without the consent of Her Majesty's Representative, whose concurrence shall also be obtained in all serious matters of State, such as the appointment of Chiefs or officials, the political or religious distribution of territory, &c.

XI. The assessment and collection of taxes, as also the disposal of the revenues of the country, are hereby made subject to the control and revision of Her Majesty's Government in such manner as they may from time to time direct.

* Vol. LXXXV, page 83.

XII. The property of Her Majesty's Government and of their officers and of all servants of Her Majesty's Government shall be free from the incidence of all taxes.

XIII. Export and import duties on all goods leaving or entering Uganda and its dependencies shall be leviable by Her Majesty's Government for their sole use and benefit. These duties shall be fixed in accordance with the provisions of the General Acts of Berlin* and Brussels† of 1885 and 1890 respectively, and of any international Agreements arising from the same, and to which Great Britain is or may become a party.

XIV. The foreign relations of Uganda and its dependencies are hereby placed unreservedly in the hands of Her Majesty's Representative.

XV. Slave-trading or slave-raiding, or the exportation or importation of people for sale or exchange as slaves, is prohibited. I, Mwanga, also undertake, for myself and my successors, to give due effect to such Laws and Regulations having for their object the complete ultimate abolition of the status of slavery in Uganda and its dependencies as may be dictated by Her Majesty's Government.

XVI. The present Treaty supersedes all other Agreements or Treaties whatsoever made by Mwanga or his predecessors.

XVII. This Treaty shall come into force from the date of its signature.

In faith whereof we have respectively signed this Treaty, and have thereunto affixed our seals.

Done in duplicate at Kampala, this 27th day of August, 1894.

H. E. COLVILE, *Colonel*.
KABAKA, *King*.

This is to certify that the above are the signatures of Colonel H. E. Colvile, C.B., and Mwanga, King of Uganda.

W. J. ANSBORGE

APOLLO, *Katikiro*.

MUGWANYA, *Katikiro*.

(6.)—*Treaty with Ankoli.*—August 29, 1894.

TREATY made at Ntali's, in Ankoli, this 29th day of August, in the year 1894, between Major Cunningham, Derby Regiment, for Colonel Colville, C.B., for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Magota, Katikiro, of Ntali, King of Ankoli, for his (Ntali's) heirs and successors on the other part.

I, THE Undersigned, Magota, do, in the presence of the Headmen and people assembled at this place, hereby promise :—

ART. I. That there shall be peace between the subjects of the Queen of England and Ntali's subjects.

II. That British subjects shall have free access to all parts of Ankoli, and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and Ntali, the said King of Ankoli, as to the duties or customs to be paid to Ntali, the said King, or the Headmen of the towns in Ankoli country by such British subjects, or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that Ntali will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

III. That Ntali, the said King, will at no time whatever cede any of Ankoli territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at Ntali's, this 29th day of August, 1894.

G. CUNNINGHAM, *Major*.

His
× MAGOTA.
mark.

Signed in the presence of—

SAID ABD-EL-RAHMAN, *Mulazim*.

I, the Undersigned, do swear that I have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties in the Mhuma language.

His
× SAID ABD-EL-RAHMAN, *Mulazim*.
mark.

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to certain British Possessions.—Osborne, January 29, 1894.*

At the Court at Osborne House, Isle of Wight, the 29th day of
January, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Steward.

Sir John Cowell.

Sir William Vernon Harcourt.

Sir Philip Currie.

Sir Henry Ponsonby.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly :"

And whereas Her Majesty is satisfied that the Legislatures of the British possessions hereinafter mentioned have made adequate provision for the recognition in those possessions of probates and letters of administration granted by the Courts of the United Kingdom :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased by and with the advice of Her Most Honourable Privy Council to order, and it is hereby ordered, as follows:—

"The Colonial Probates Act, 1892," shall apply to the British possessions hereunder mentioned :

Barbados.

Lagos.

Tasmania.

And the Most Honourable the Marquess of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to the Colony of Fiji.—Windsor, April 30, 1894.*

At the Court at Windsor, the 30th day of April, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Charles Russell.

Earl of Chesterfield.

Sir Frank Lascelles.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly:"

And whereas Her Majesty is satisfied that the Legislature of the British possession hereinafter mentioned has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased by and with the advice of Her Most Honourable Privy Council to order, and it is hereby ordered, as follows:—

"The Colonial Probates Act, 1892," shall apply to the British possession hereunder mentioned:

The Colony of Fiji.

And the Most Honourable the Marquess of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to Trinidad and Tobago.—Windsor, June 27, 1894.*

At the Court at Windsor, the 27th day of June, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Earl Spencer.

Lord Chamberlain.

Lord Kensington.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly:"

And whereas Her Majesty is satisfied that the Legislature of the British possession hereinafter mentioned has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased by and with the advice of Her Most Honourable Privy Council to order, and it is hereby ordered, as follows:—

"The Colonial Probates Act, 1892," shall apply to the British possession hereunder mentioned:

The Colony of Trinidad and Tobago.

And the Most Honourable the Marquess of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. I. PEEL.

* Vol. LXXXIV, page 700.

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to Jamaica.—Windsor, July 18, 1894.*

At the Court at Windsor, the 18th day of July, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of York.

Lord President.

Sir Henry Ponsonby.

Lord Privy Seal.

Sir John Cowell.

Lord Steward.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly:"

And whereas Her Majesty is satisfied that the Legislature of the British possession hereinafter mentioned has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased by and with the advice of Her Most Honourable Privy Council to order, and it is hereby ordered, as follows:—

"The Colonial Probates Act, 1892," shall apply to the British possession hereunder mentioned:

The Island of Jamaica.

And the Most Honourable the Marquess of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. L. PEEL.

* Vol. LXXXIV, page 700.

DECREE of the Khedive of Egypt, respecting the Appropriation of an Annual Sum out of Light Dues towards the Expenses of the Quarantine Board.—Cairo, December 25, 1894.

Nous, Khédive d'Égypte,

Sur la proposition de notre Ministre des Finances et l'avis conforme de notre Conseil des Ministres ;

Vu l'avis conforme de MM. les Commissaires-Directeurs de la Caisse de la Dette Publique en ce qui concerne l'Article 7 ;

Avec l'assentiment des Puissances,

Décrétons :

ART. 1^{er}. A partir de l'Exercice Financier 1894, il sera prélevé annuellement sur les recettes actuelles des droits de phare une somme de £ E. 40,000, qui sera employée comme il est expliqué dans les Articles suivants :

2. La somme prélevée en 1894 sera affectée : (1) à combler le déficit éventuel de l'Exercice Financier 1894 du Conseil Quarantenaire, au cas où ce déficit n'aurait pas pu être entièrement couvert avec les ressources provenant du fonds de réserve du dit Conseil, ainsi qu'il sera dit à l'Article qui suit ; (2) à faire face aux dépenses extraordinaires nécessitées par l'aménagement des établissements sanitaires d'El Tor, de Suez, et des Sources de Moïse.

3. Le fonds de réserve actuel du Conseil Quarantenaire sera employé à combler le déficit de l'Exercice 1894, sans que ce fonds puisse être réduit à une somme inférieure à £ E. 10,000.

Si le déficit ne se trouve pas ainsi entièrement couvert, il y sera fait face, pour le reste, avec les ressources créées à l'Article 1^{er}.

4. Sur la somme de £ E. 80,000, provenant des Exercices 1895 et 1896, il sera prélevé : (1) une somme égale à celle qui aura été payée en 1894 sur les mêmes recettes, à valoir sur le déficit de la dite année 1894, de manière à porter à £ E. 40,000 le montant des sommes affectées aux travaux extraordinaires prévus à l'Article 1^{er} pour El Tor, Suez, et les Sources de Moïse ; (2) les sommes nécessaires pour combler le déficit du Budget du Conseil Quarantenaire pour les Exercices Financiers 1895 et 1896.

Le surplus, après le prélèvement ci-dessus, sera affecté à la construction de nouveaux phares dans la Mer Rouge.

5. A partir de l'Exercice Financier 1897, cette somme annuelle de £ E. 40,000 sera affectée à combler les déficits éventuels du Conseil Quarantenaire. Le montant de la somme nécessaire à cet effet sera arrêté définitivement en prenant pour base les résultats financiers des Exercices 1894 et 1895 du Conseil.

Le surplus sera affecté à une réduction des droits de phares : il

est entendu que ces droits seront réduits dans la même proportion dans la Mer Rouge et dans la Méditerranée.

6. Moyennant les prélèvements et affectations ci-dessus, le Gouvernement est, à partir de l'année 1894, déchargé de toute obligation quelconque en ce qui concerne les dépenses soit ordinaires, soit extraordinaires du Conseil Quarantenaire.

Il est entendu, toutefois, que les dépenses supportées jusqu'à ce jour par le Gouvernement Égyptien continueront à rester à sa charge.

7. A partir de l'Exercice 1894, lors du règlement de compte des excédents avec la Caisse de la Dette Publique, la part de ces excédents revenant au Gouvernement sera majorée d'une somme annuelle de £ E. 20,000.

8. Il a été convenu entre le Gouvernement Égyptien et les Gouvernements d'Allemagne, de Belgique, de Grande-Bretagne, et d'Italie, que la somme affectée à la réduction des droits de phares, aux termes de l'Article 5 du présent Décret, viendra en déduction de celle de £ E. 40,000 prévue dans les lettres annexées aux Conventions Commerciales intervenues entre l'Égypte et les dits Gouvernements.

9. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais de Koubbeh, le 25 Décembre, 1894.

ABBAS HILMI.

Par le Khédive :

N. NUBAR, *Président du Conseil des Ministres.*

AHMED MAZLOUM, *Ministre des Finances.*

BOUTROS GHALI, *Ministre des Affaires Étrangères.*

*ACT of Congress of the United States, to prohibit the coming of
Chinese Persons into the United States.*

[Chap. 60.]

[May 5, 1892.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this Act.

§ 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of the said laws to be not lawfully entitled to be or remain in the United States, shall be expelled from the United States to China, unless he or they shall

make it appear to the Justice, Judge, or Commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: Provided, that in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

§ 3. That any Chinese person or person of Chinese descent arrested under the provisions of this Act or the Acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such Justice, Judge, or Commissioner, his lawful right to remain in the United States.

§ 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labour for a period of not exceeding one year, and thereafter removed from the United States, as hereinbefore provided.

§ 5. That after the passage of this Act on an application to any Judge or Court of the United States in the first instance for a writ of *habeas corpus*, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

§ 6. And it shall be the duty of all Chinese labourers within the limits of the United States, at the time of the passage of this Act, and who are entitled to remain in the United States, to apply to the Collector of Internal Revenue of their respective districts, within one year after the passage of this Act, for a certificate of residence, and any Chinese labourer, within the limits of the United States, who shall neglect, fail, or refuse to comply with the provisions of this Act, or who, after one year from the passage thereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States' Customs official, Collector of Internal Revenue or his deputies, United States' Marshal or his deputies, and taken before a United States' Judge, whose duty it shall be to order that he be deported from the United States as hereinbefore provided, unless he shall establish clearly to the satisfaction of said Judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of the Court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this Act; and if upon th

hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained, and judgment suspended for a reasonable time, to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the Court. And any Chinese person other than a Chinese labourer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

§ 7. That immediately after the passage of this Act, the Secretary of the Treasury shall make such Rules and Regulations as may be necessary for the efficient execution of this Act, and shall prescribe the necessary forms and furnish the necessary blanks to enable Collectors of Internal Revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants; such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the Collector of Internal Revenue for the district within which such Chinaman makes application.

§ 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanour, and upon conviction thereof shall be fined in a sum not exceeding 1,000 dollars, or imprisoned in the penitentiary for a term of not more than five years.

§ 9. The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the Collectors of Internal Revenue, for services performed under the provisions of this Act, in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of 1 dollar for each certificate issued.

ACT of the State of Iowa, to amend the Act of April 9, 1888,
restricting Non-resident Aliens in their Right to acquire and
hold Real Estate.*

[Chap. 82.]

— [Approved, April 26, 1894.]

BE it enacted by the General Assembly of the State of Iowa :

§ 1. That section 1, Chap. LXXXV, Acts of the 22nd General Assembly, be hereby amended in the seventh line thereof by inserting the words "of naturalized citizens and" after the word "heirs" and before the word "of."

*SWISS NOTIFICATION respecting the Accession of Chile
to the Postal Convention and Arrangements of Vienna of
July 4, 1891.—Berne, August 21, 1894.*

M. LE MINISTRE,

Berne, le 21 Août, 1894.

EN nous référant à l'avant dernier alinéa de notre note circulaire du 24 Novembre, 1893,† par laquelle nous avons informé votre Excellence de l'adhésion de la République du Chili aux Conventions et Arrangements de Vienne du 4 Juillet, 1891, nous avons l'honneur de vous notifier que le Gouvernement de la dite République a fixé au 1^{er} Août, 1894, la date dès laquelle il a mis à exécution dans son service les arrangements concernant les lettres et boîtes avec valeur déclarée,‡ les recouvrements,§ les livrets d'identité,|| et les abonnements aux journaux.¶

Nous saisissons, &c.,

Au nom du Conseil Fédéral Suisse,

ZEMP, *Vice-Président.*

SCHATZMANN, *Vice-Chancelier.*

*DECREE of the Emperor of China, declaring War against
Japan.***

(Translation.)

KOREA has been a border tributary of China for more than 200 years. She has paid a fixed yearly tribute, as is known to all

* Vol. LXXIX, page 885.

† Vol. LXXXV, page 1232.

‡ Vol. LXXXIII, page 947.

§ Vol. LXXXIII, page 998.

|| Vol. LXXXIII, page 1007.

¶ Vol. LXXXIII, page 1013.

** "Peking Gazette," August 1, 1894.

the world. Of late years she has suffered repeatedly from internal troubles, and China has, from a desire to foster the little State on several occasions sent troops to quell disturbances. She has also stationed an official at the Korean capital to afford constant protection.

In the 4th moon of the present year (May 1894), Korea was again troubled by a revolt, and the King urgently requested help in repressing the rebels. We at once ordered Li Hung-chang to dispatch troops to assist Korea, and they had no sooner reached Asan than the insurgents dispersed. The Japanese, nevertheless, sent troops without any cause to the capital of Korea, and subsequently reinforcements, till their numbers exceeded 10,000. They forced Korea to change her mode of government, coercing her in every way regardless of right or wrong.

Our dynasty has greatly cherished her border dependant, but has left her internal affairs to her own management. Japan has entered into Treaties with Korea on terms of national equality, and is still less warranted in forcing upon her a change of government by means of military occupation and coercive measures. The opinion of all nations was that Japan's military expedition was unjustifiable and unreasonable, and they advised her to withdraw her troops and enter into peaceful negotiations. But no arrangement could be made, for Japan brusquely disregarded their advice and kept adding to the number of its troops. The Koreans and Chinese in Korea became day by day more frightened and harassed, and China therefore sent troops to protect them.

While they were still on the way several Japanese ships, taking them unawares on the sea-coast near Asan, unexpectedly opened fire and injured the Chinese transports. Such treacherous conduct was utterly unlooked for. Japan has not respected the Treaties, and has acted contrary to international law. She has behaved with wanton brutality and utter perfidy, and it is manifest to the world that she has commenced this quarrel.

We proclaim this to all the world that it may be known that China has shown the utmost forbearance and magnanimity in dealing with this difficulty. Japan on the other hand has broken her engagements and commenced hostilities. Her conduct is monstrous, and cannot be longer endured.

Let Li Hung-chang strictly enjoin the troops sent to Korea to proceed at once to combat. Let him collect large numbers of superior troops and send them by detachments, that the Korean people may be saved from their misery.

Let the Tartar General's Viceroys and Governors and the Commanders of troops along the sea-board make proper military preparations, and should any Japanese steamer enter a port let

them greet her with a vigorous cannonade and completely exterminate her. Should there be the least shirking of duty punishment will follow.

Let this Decree be everywhere proclaimed.

PROCLAMATION of the Emperor of Japan, declaring War against China.—August 1, 1894.

(Translation.)

WE, by the grace of Heaven, Emperor of Japan, seated on a throne occupied by the same dynasty from time immemorial, do hereby make Proclamation to all our loyal and brave subjects as follows:—

We hereby declare war against China, and we command each and all of our competent authorities, in obedience to our wish and with a view to the attainment of the national aim, to carry on hostilities by sea and by land against China, with all the means at their disposal, consistently with the law of nations.

During the past three decades of our reign, our constant aim has been to further the peaceful progress of the country in civilization; and being sensible of the evils inseparable from complications with foreign States, it has always been our pleasure to instruct our Ministers of State to labour for the promotion of friendly relations with our Treaty Powers. We are gratified to know that the relations of our Empire with those Powers have yearly increased in good-will and in friendship. Under the circumstances, we were unprepared for such a conspicuous want of amity and of good faith as has been manifested by China in her conduct toward this country in connection with the Korean affair.

Corea is an independent State. She was first introduced into the family of nations by the advice and under the guidance of Japan. It has, however, been China's habit to designate Corea as her dependency, and both openly and secretly to interfere with her domestic affairs. At the time of the recent civil insurrection in Corea, China dispatched troops thither, alleging that her purpose was to afford succour to her dependent State. We, in virtue of the Treaty concluded with Corea in 1882,* and looking to possible emergencies, caused a military force to be sent to that country.

Wishing to procure for Corea freedom from the calamity of perpetual disturbance, and thereby to maintain the peace of the East in general, Japan invited China's co-operation for the accomplishment of that object. But China, advancing various pretexts, declined Japan's proposal. Thereupon, Japan advised Corea to

* Vol. LXXIV, page 883.

reform her administration so that order and tranquillity might be preserved at home, and so that the country might be able to discharge the responsibilities and duties of an independent State abroad. Corea has already consented to undertake the task. But China has secretly and insidiously endeavoured to circumvent and thwart Japan's purpose. She has further procrastinated, and endeavoured to make warlike preparations both on land and sea. When those preparations were completed, she not only sent large reinforcements to Corea, with a view to the forcible attainment of her ambitious designs, but even carried her arbitrariness and insolence to the extent of opening fire upon our ships in Corean waters. China's plain object is to make it uncertain where the responsibility resides of preserving peace and order in Corea, and not only to weaken the position of that State in the family of nations—but also to obscure the significance of the Treaties recognizing and confirming that position. Such conduct on the part of China is not only a direct injury to the rights and interests of this Empire, but also a menace to the permanent peace and tranquillity of the Orient. Judging from her actions, it must be concluded that China, from the beginning, has been bent upon sacrificing peace to the attainment of her sinister object. In this situation, ardent as our wish is to promote the prestige of the country abroad by strictly peaceful methods, we find it impossible to avoid a formal declaration of war against China. It is our earnest wish that, by the loyalty and valour of our faithful subjects, peace may soon be permanently restored and the glory of the Empire be augmented and completed.

Given this 1st day of the eighth month of the 27th year of Meiji.

(His Imperial Majesty's sign-manual.

(Countersignatures of the Minister President of State and of the other Ministers of State.)

PROCÈS-VERBAL recording the Recognition of the King of Allada, Sovereign of the southern portion of the Kingdom of Dahomey.—Allada, February 4, 1894.

LE 4 Février, 1894, à 8 heures du matin, les cabécères et Chef du Bas-Dahomey, réunis sur la place du Palais, à Allada, ont proclamé Roi d'Allada, sous le nom de Gi-gla-don-Gbé-nou-maou le Prince Ganhou Hougnon, Représentant de la Famille Royale d'Ardes et descendant direct de Meji, dernier Roi de ce pays.

Le Général de Brigade Dodds, Commandant du Corps Expéditionnaire et Commandant Supérieur des établissements Français du Benin, Grand Officier de la Légion d'Honneur, après avoir fait arborer au Palais d'Allada le drapeau Français et l'avoir fait saluer de vingt-et-un coups de canon, a reconnu le nouveau Roi au nom du Gouvernement de la République Française et déclaré le Royaume d'Allada placé sous le Protectorat de la France.

Les honneurs militaires ont été ensuite au Roi d'Allada.

Fait et signé à Allada, les jour, mois et an que dessus.

A. DODDS, *Général de Brigade,
Commandant Supérieur.*

× (Marque du Roi.)

Ont signé comme témoins :—

R. TAVERNA, *Chef de Bataillon d'Infanterie,*

Chef d'État-Major du Corps Expéditionnaire.

KORI, *Chef de Tori.*

A. L. D'ALBÉCA, *Administrateur Colonial, Directeur
des Affaires Politiques et Indigènes, par intérim.*

ALLADAMAOUZOU, *Chef de Toffo Coussi.*

NOEL, *Capitaine d'Infanterie de Marine, Commandant
du Poste d'Allada.*

SECO, *Chef de Onsoumé.*

L. GARINBAU, *Lieutenant d'Infanterie de Marine,
Officier d'Ordonnance du Général Commandant
Supérieur.*

*GERMAN LAW, for the Protection of Merchandize Marks.—
Berlin, May 12, 1894.*

(Translation.)

WE, William, by the grace of God German Emperor, King of Prussia, &c. :—

Decree in the name of the Empire, with the consent of the Federal Council and the Reichstag, as follows :—

§ 1. Any person desiring to employ a merchandize mark in his business, to distinguish his goods from those of others, may apply to have such mark entered in the Register of Marks.

§ 2. The register is kept at the Patent Office. Application for the entry of a mark must be made in writing to the Patent Office. Every application must be accompanied by an indication of the nature of the business for which the mark is to be used, a specification of the class of goods on which it is to be placed, as also an exact drawing of the mark itself, and, if necessary, a description of it.

[1893-94. LXXXVI.]

X

Further details connected with applications for registration will be subject to Regulations to be issued by the Patent Office.

A fee of 30 marks is payable for each application for registration of a merchandize mark ; for each renewal of such application, a fee of 10 marks. Should the first application fail to obtain a registration, 20 marks are returned.

§ 3. The Register of Marks shall contain—

- (1.) The date of presentation of the application ;
- (2.) The indications required in section 2, clause (1) ;
- (3.) The name and address of the owner of the mark, those of his agent, if any, and changes in the person, name, or address of the owner or his agent ;
- (4.) Date of renewal of an application ;
- (5.) Date of erasure of the mark.

The Register is open to public inspection gratis.

Every entry and every erasure is officially published. The Patent Office publishes at regular intervals lists of the marks registered or erased since the last publication.

§ 4. Entry in the register is to be denied to general marks as well as to merchandize marks :—

- (1.) Which are composed exclusively of figures, letters, or of such words as go to describe the kind, date, and place of manufacture of the goods, their nature, use, or condition of price, quantity, or weight ;
- (2.) Which contain home or foreign State armorial bearings, or the armorial bearings of any German town, commune, or other communal union ;
- (3.) Which contain representations capable of giving offence, or which convey implications which manifestly do not correspond with actual conditions, and create a danger of deception.

Marks which have been erased may not, for the term of two years from the date of the erasure, be registered afresh in the name of any other person than the last proprietor, for the same description of goods for which they were originally registered, or for goods of a similar character.

§ 5. If a merchandize mark notified for registration is considered by the Patent Office to be the same as one previously notified for the same or for a similar class of goods, by virtue of the Law respecting the protection of marks of the 30th November, 1874, or of the present Law, the Patent Office shall advise the owner of such previous merchandize mark accordingly. If within a month he do not enter a protest against the registration of the proposed new merchandize mark, then the latter may be registered. If he protest, the Patent Office shall decide, by an order, whether the marks are the same.

No claim to compensation shall spring from an omission to issue the advice mentioned above.

§ 6. If the Patent Office decides (§ 5, clause (1)) that the marks are not the same, the application for registration of the new merchandize mark shall be granted.

If, however, the marks are decided to be the same, then the registration of the new one shall be refused. Should the applicant wish to establish his claim to registration, in spite of the decision of the Patent Office that his mark is the same as that previously registered, he must do so by bringing an action against the protesting party. If he obtains a favourable decision, his mark will be entered under the date of his original application.

§ 7. The right accruing from an application or from the actual registration of a merchandize mark devolves upon heirs, and is transferable to other parties either by contract or at decease by testamentary disposition. The right can, however, only be transferred to any party along with the business to which the mark belongs. The transfer is to be noted in the register on the application of the successor in title, provided the consent of the original proprietor be proved in support thereof. If the original proprietor be dead, proof of the succession in title must be given.

Prior to the noting of the transfer in the register, the successor in title cannot avail himself of the same on the ground of the entry in the register.

Acts and decisions of the Patent Office, involving a reference to the owner of a mark, must always be addressed to the registered owner. Should it appear that the person in question is dead, the Patent Office may at its discretion either consider the reference as accomplished, or, for the object of the reference, call on the heirs to accomplish it.

§ 8. On the application of the owner, a mark may at any time be erased from the register.

An erasure may be made on the initiative of the Office—

(1.) When ten years have elapsed since the application for the registration of the mark, or since the renewal of the same;

(2.) When it is found that the registration of the mark should have been refused.

When the erasure is resolved upon independently of the owner, he must, in the first place, be advised thereof by the Patent Office. If he makes no objection within a month after the notification, the erasure is to be proceeded with. Any objection he may make must be decided upon by the Patent Office. If the erasure follow upon the expiration of the ten years' term, it may be waived, provided that the owner of the mark, before the expiration of a month from the date of the notification, and upon payment of a fee of 10 marks in

addition to the fee for renewal, claims such renewal. In that case, the renewal holds good from the date of the expiration of the previous term.

§ 9. A third party can move the erasure of a merchandize mark—

(1.) If the mark has been already entered for himself in the register for the same, or for a similar class of goods, upon a previous application; or if it is entered in the Registers of Marks established under the provisions of the Law respecting the protection of marks of the 30th November, 1874;

(2.) When the business to which the merchandize mark in question applies is no longer carried on by the registered owner;

(3.) When there are circumstances to show that the contents of the merchandize mark does not correspond to the actual conditions of the goods, and creates a danger of deception.

If a merchandize mark, excluded from registration under the provisions of the Law respecting the protection of marks of the 30th November, 1874, has been acknowledged in interested commercial circles up to the passing of the present Law as the mark of goods produced by a particular manufactory, then the owner of the business in question, should the same mark have been registered by another person under the provisions of the present Law, may, up to the 1st October, 1895, apply for the erasure of the mark so registered. If his application is granted the mark may be registered in his name, even before the term prescribed in § 4, clause (8), has elapsed.

A motion for erasure must be made by action against the registered owner, or, in case he be dead, against his heirs.

If, before or after the bringing of the action, a transfer of the merchandize mark to another party has taken place, the decision in respect of the suit shall be equally effective and may be executed against the successor in title. The capacity of the successor to take part in the legal proceedings is subject to the corresponding provisions of §§ 63-66, and 73 of the Code of Civil Procedure.

In cases coming under (2), a demand for erasure may be addressed directly to the Patent Office. The Patent Office advises the registered owner of the merchandize mark of the demand so made. If the latter offers no objection for a month after the notification, the erasure is to be effected. If he objects, it devolves upon the person making the demand to bring forward the case for erasure by action at law.

§ 10. Applications for registration of merchandize marks, demands for transfers, and objections to erasures are to be disposed of by way of preliminary and final decisions, in harmony with the procedure governing patent cases. In the cases contemplated in § 5, clause (1), a preliminary decision is not given.

Appeals against a decision rejecting a motion may be lodged with the Patent Office by the bringer of the motion, and appeals against a decision ordering an erasure notwithstanding objection made may be lodged by the owner of the mark, in both cases within one month after the receipt of the motion.

Notifications of registration, transfer, or erasure of a merchandize mark must be given by means of registered letters. If a notification cannot be effected in Germany, it may be intrusted to the post in harmony with §§ 161 and 175 of the Code of Civil Procedure.

§ 11. On the demand of the Courts the Patent Office is bound to express an opinion upon cases respecting registered merchandize marks, in the event of two or more experts giving different opinions in the course of an action at law.

§ 12. The effect of the registration of a merchandize mark is to confer upon the registered owner the exclusive right to affix the merchandize mark in question to goods of the kind stated in the application for registration, their cases or wrappings, to circulate the goods so marked, and to place the mark upon advertisements, price-lists, business letter-paper, notices, bills, or the like.

Erasure is retroactive in the sense that rights resulting from registration cannot be pleaded for the period previous to the actual erasure, during which the reasons for such erasure existed.

§ 13. The registration of a merchandize mark constitutes no hindrance to any person to place, even in an abbreviated form, upon goods, their cases or wrappings, his name, firm, or address, or indications of the kind, date, and place of manufacture, the character or use of the goods, their price, quantity, or weight, or to employ the same in his business.

§ 14. If any one shall knowingly, or through gross carelessness, mark goods, their cases or wrappings, advertisements, price-lists, business letter-paper, notices, bills, or the like, with the name of another person, or of his firm, or shall illegally place upon the same a merchandize mark enjoying the protection of the present Law, or shall circulate or expose for sale goods so illegally marked, he shall be liable in damages to the injured party.

If he shall have committed the offence knowingly, he shall also be punishable with a fine of from 150 marks to 5,000 marks, or with imprisonment during a term not exceeding six months. The criminal prosecution can only follow upon a demand. The demand can be withdrawn at pleasure.

§ 15. If any one, without the consent of the other party, and with intent to defraud, shall affix to goods, their cases or wrappings, to advertisements, price-lists, business letter-paper, notices, bills, or the like, anything which in interested circles is recognized as distinguishing similar goods of another person, or shall with li

intent circulate or expose for sale goods bearing such signs, he shall be liable in damages to the injured party, and be punishable with a fine of from 100 marks to 3,000 marks, or with imprisonment for a term not exceeding three months. The criminal prosecution can only follow upon a demand. The demand can be withdrawn at pleasure.

§ 16. If any one, with intent to create a misapprehension as to the character or value of goods, shall fraudulently affix to goods, their cases or wrappings, to advertisements, price-lists, business letter-paper, notices, bills, or the like, the armorial bearings of a State, or the name or armorial bearings of a place, commune, or other communal union, or shall, with the like object, circulate or expose for sale goods so marked, he shall be punishable with a fine of from 150 marks to 5,000 marks, or with imprisonment for a term not exceeding six months.

The employment of names which, in accordance with the usage of trade, serve to designate certain goods, without necessarily indicating their origin, do not come under the above provision.

§ 17. Foreign goods which are illegally marked with the name and address of a German firm, or with one of the merchandize marks registered under the provisions of this Law, may, upon their entry into Germany for importation or transit, be seized and confiscated upon application of the injured party, and upon his making a precautionary deposit. The seizure is effected by the Customs and Revenue authorities. The decision as to confiscation is issued as a criminal order by the Administrative authorities (§ 459 of the Code of Criminal Procedure).

§ 18. In the place of any compensation arising out of the present Law, there may be decreed, at the request of the injured party, a fine payable to him not exceeding 10,000 marks, in addition to the penalty. For this fine all the defendants who are sentenced to the same are collectively responsible.

Such a fine having been decreed, further claims to compensation are barred.

§ 19. When a judgment has been pronounced based upon §§ 14-16, and 18, the removal of the illegal marks must be ordered in respect of all goods found in the possession of the defendant, or, if they are not removable in any other manner, the goods themselves so marked must be destroyed.

When judgment has been given in a criminal action, then, in cases falling under §§ 14 and 15, the injured party shall be entitled to cause the sentence to be published at the expense of the defendant. The nature of the publication and the length of delay allowed are to be prescribed in the judgment.

§ 20. The application of the provisions of this Law is not barred

by the existence of variations in any reproductions of foreign names, names of firms, marks, arms, and other distinguishing signs on goods, if there is, in trade, danger of confusion, notwithstanding the existence of the variations in question.

§ 21. In civil suits, where a claim is made out by action or counter-action under the present Law, the procedure and judgment in the last instance shall be left to the Imperial Court, in harmony with § 8 of the Law introducing the Law on the constitution of that Court.

§ 22. Whenever German goods, on their entry into or passage through a foreign country, are subject to the necessity of bearing a mark indicative of their German origin, or when their Customs treatment in respect of merchandize marks is less favourable than that accorded to goods coming from other countries, the Federal Council may decree a like burden to be imposed upon the foreign goods on their entrance into Germany for importation or transit, and may order the seizure and confiscation of the goods in cases of contravention. The seizure is effected by the Customs and Revenue authorities. The decision as to confiscation is issued as a criminal order by the Administrative authorities.

§ 23. A person who is not domiciled in Germany can only claim protection under the terms of the present Law in case that, in the State in which he resides, German merchandize marks can be shown by a notice published in the "Reichs-Gesetzblatt" to enjoy legal protection to the same extent as native merchandize marks.

A claim to protection for a merchandize mark and to the rights accruing from registration can only be made by an agent resident in Germany. The agent shall be entitled to represent his principal in proceedings before the Patent Office under the provisions of the present Law, as also in civil suits affecting the merchandize mark in question, and to initiate criminal actions.

Actions against the registered owner of a merchandize mark are within the jurisdiction of the Court in whose district the representative has his domicile, or, failing this, of the Court in whose district the Patent Office is situated.

Any person applying for the registration of a foreign merchandize mark must show proof that he has applied for and obtained protection for his mark in the country where he is domiciled. Registration is only admissible (except there are Treaties to the contrary) when the merchandize mark fulfils the requirements of the present Law.

§ 24. The provisions of the Law respecting the protection of marks of the 30th November, 1874, will continue to apply to marks entered in pursuance of that Law in the Register of Marks until the 1st October, 1898. At any time up to that date these marks can be offered for registration under the terms of the present Law, to which

they will thereupon become subject. Registration cannot be refused with respect to marks entered in the registers heretofore existing by virtue of older State protection. Such entry is made free of cost and at the date of first application. A certificate from the former Registrars must be adduced respecting the tenour of the original entry.

The protection afforded to the merchandize marks by virtue of older Laws expires simultaneously with the entry in the new register, or, failing this, with the term ending on the 1st October, 1898.

§ 25. The provisions required for the execution of the present Law, in regard to the organization and working of the Patent Office, shall be made by Imperial Decree, with the consent of the Federal Council.

§ 26. The present Law shall come into force on the 1st October, 1894.

From and after that date, no further applications for registration of merchandize marks, based upon the Law respecting the protection of marks of the 30th November, 1874, can be accepted.

Given under our Imperial hand and seal, Neues Palais, the 12th May, 1894.

(L.S.) WILHELM.
VON BOETTICHER.

*CONSTITUTION of the Republic of Hawaii.—Promulgated
July 4, 1894.*

RIGHTS OF PERSONS AND PROPERTY.

Rights of the Person.

ART. 1.—§ 1. God hath endowed all men with certain inalienable rights, among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining happiness.

§ 2. The Government is conducted for the common good, and not for the profit, honour, or private interest of any one man, family, or class of men.

§ 3. The Legislature may provide by law, however, for the supervision, registration, control, and identification of all persons, or any class or nationality of persons; and may also by law restrict and the term of residence, and the business or employment of all

persons or of any class or nationality of persons coming into the Republic.

Religious Freedom.

2. All men are free to worship God according to the dictates of their own consciences ; but this privilege shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of the Republic.

Freedom of Speech and of the Press.

3. All men may freely speak, write, and publish their sentiments on all subjects, and no law shall be enacted to restrain the liberty of speech or of the press ; but all persons shall be responsible for the abuse of such right. Provided, however, that the Legislature may enact such laws as may be necessary to restrain and prevent the publication or public utterance of indecent or seditious language.

Meeting and Petition.

4. All men shall have the right to assemble in an orderly and peaceable manner, without arms, to consult upon the common good and to petition the President or Legislature for redress of grievances.

Writ of Habeas Corpus.

5. The privilege of the writ of *habeas corpus* belongs to all men, and shall not be suspended, except by the President or by one of the Cabinet Ministers as herein provided, when in case of rebellion or invasion, or imminent danger of rebellion or invasion, the public safety shall require its suspension.

Provided, however, that no alien unlawfully entering the Republic shall be entitled to this writ as of right.

Right of Trial.

6.—§ 1. No person shall be subject to punishment for any offence except on due and legal conviction thereof by a Tribunal having jurisdiction of the case.

§ 2. Except in case of impeachment or offences within the jurisdiction of a District Magistrate, or in summary proceedings for contempt, no person shall be held to answer for any offence except upon indictment, information, or complaint, describing such offence ; and he shall in all cases have the right to meet the witnesses who are produced against him face to face, to produce witnesses and proofs in his own favour, and by himself or his counsel, at his election, to examine the witnesses produced by himself and cross

examine those produced against him, and to be heard in his own defence.

§ 8. Subject to such changes as the Legislature may from time to time make in the number of jurors for the trial of any case, and concerning the number required to agree to a verdict and the manner in which the jury may be selected and drawn, and the composition and qualifications thereof, the right of trial by jury in all cases in which it has been heretofore used shall remain inviolate except in actions for debt or assumpsit in which the amount claimed does not exceed 100 dollars, and such offences less than felonies may be designated by law. And provided that no capital case shall be tried by a jury of less than twelve men.

The jury may be waived in all civil cases under such conditions as may be prescribed by law, and by defendants in all criminal cases except capital.

Previous Conviction or Acquittal.

7. No person shall be required to answer for any offence identical both in law and fact with an offence of which he has been duly convicted or of which he has been duly acquitted.

Privilege of Accused.

8. No person shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law.

Slavery.

9. Involuntary servitude, except for crime, is forever prohibited in this Republic. Whenever a slave shall enter the territory of this Republic he shall be free.

Security from Search and Arrest.

10. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects and no warrant shall issue, except on probable cause, supported by oath or affirmation and describing the place to be searched and the persons or things to be seized.

Taxing and Appropriating Power.

11.—§ 1. No subsidy, duty, or tax of any description shall be established or levied without the consent of the Legislature; nor shall any money be drawn from the Public Treasury without such consent, except in the manner directed by this Constitution.

§ 2. Each member of society has the right to be protected in the enjoyment of his life, liberty, and property, according to law; and therefore he shall be obliged to contribute his proportion or share to the expense of this protection, and to give his personal services, or an equivalent when necessary, as may be provided by law.

Eminent Domain.

12. Private property may be taken for public use, and private rights of way may be obtained across the lands of others for railways, drains, flumes, water-pipes, and ditches for agricultural, milling, manufacturing, mining, domestic, or sanitary purposes, but only upon due process of law and just compensation.

Public use shall include such purposes as shall be required or designated by Treaty stipulations between the Republic of Hawaii and any other nation.

Military subject to Law.

13.—§ 1. The military shall always be subject to the laws of the land.

§ 2. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by the Legislature.

THE REPUBLIC.

Form and Name of Government.

14. The Government hereby instituted is a Republic under the terms and conditions of this Constitution.

The name of this Government is, and shall be, the Republic of Hawaii.

Territory.

15. The Territory of the Republic of Hawaii shall be that heretofore constituting the Kingdom of the Hawaiian Islands and the territory ruled over by the Provisional Government of Hawaii, or which may hereafter be added to the Republic.

Ensign.

16. The ensign heretofore in use as the Hawaiian national ensign shall continue to be the national ensign of the Republic of Hawaii.

Citizenship.

17.—§ 1. All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic, are citizens thereof.

Special Rights of Citizenship.

§ 2. Any person not a Hawaiian citizen who took active part or otherwise rendered substantial service in the formation of, and has since supported, the Provisional Government of Hawaii, who shall within six months from the promulgation of this Constitution procure from the Minister of the Interior a certificate of such service as herein set forth, and who shall take an oath to support this Constitution and the laws of the Republic so long as he shall remain domiciled in the Republic, shall be entitled to all the privileges of citizenship without thereby prejudicing his native citizenship or allegiance.

§ 3. For the purpose of identifying the person entitled to such certificate, the Minister of the Interior shall appoint such number of examiners as he may deem best to receive applications and take evidence upon such subject.

Such examiners shall certify to the said Minister a description of each person found to be entitled to such certificate, which description shall include the name, age, country of birth, occupation, length of residence in Hawaii, and present residence.

§ 4. It shall be in the discretion of the Minister of the Interior to reverse the decision of any such examiner and issue a certificate to any person in his opinion entitled thereto; and to refuse to issue a certificate to any person who, in his opinion, is not entitled thereto.

The decision of the Minister shall be final and not subject to appeal or review.

§ 5. Any person to whom such certificate shall be granted shall be admitted, upon application, to naturalization without showing any further qualifications.

Naturalization.

18.—§ 1. The naturalization of aliens shall be exclusively within the jurisdiction of the Justices of the Supreme Court.

The procedure shall be such as may be provided by law.

§ 2. An alien may be admitted to citizenship upon the following conditions, viz. :—

(1.) He shall have resided in the Hawaiian Islands for not less than two years.

(2.) He must intend to become a permanent citizen of the Republic.

(3.) He shall be able understandingly to read, write, and speak the English language.

(4.) He shall be able intelligently to explain, in his own words, in the English language, the general meaning and intent of any Article or Articles of this Constitution.

(5.) He shall be a citizen or subject of a country having express Treaty stipulations with the Republic of Hawaii concerning naturalization.

(6.) He shall be of good moral character, and not a refugee from justice.

(7.) He shall be engaged in some lawful business or employment or have some other lawful means of support.

(8.) He shall be the owner in his own right of property in the Republic of the value of not less than 200 dollars over and above all encumbrances.

(9.) He shall have taken the oath prescribed in Article 101 of this Constitution and an oath abjuring allegiance to the Government of his native land or that under which he has heretofore been naturalized, and of allegiance to the Republic of Hawaii.

(10.) He shall make written application, verified by oath, to a Justice of the Supreme Court, setting forth his possession of, and compliance with, all of the foregoing qualifications and requirements, and shall prove the same to the satisfaction of such Justice.

Denization.

19.—§ 1. Letters of denization of the following classes may be granted by the Executive Council:—

(1.) Letters conferring all of the privileges of citizenship, except the right to vote, which may be granted to any person.

(2.) Special letters conferring all of the rights of citizenship including the right to vote, which shall be granted only to persons eligible to become naturalized: provided however that the conditions of intention to become a permanent citizen, of an oath abjuring allegiance to the Government of his native land, of an oath of allegiance to the Republic and of application to the Supreme Court shall not be required; and provided further that the condition of being a citizen or subject of a country having Treaty relations with this Republic concerning naturalization shall not apply to persons who have resided in the Hawaiian Islands for a period of seven years or more prior to the date of the promulgation of this Constitution, and who may apply for letters of denization within five years from such promulgation.

§ 2. Every person receiving letters of denization shall take the oath prescribed in Article 101 of this Constitution, and shall thereupon be subject to all of the duties and obligations of a citizen.

§ 3. All letters of denization heretofore granted are hereby revoked.

Division of Powers of Government.

20. The supreme power of the Republic is divided into the Executive, Legislative, and Judicial. Except as herein provided these shall be preserved distinct.

THE EXECUTIVE POWER.

Executive Council.

21.—§ 1. The Executive power of the Republic shall be vested in a President and Cabinet.

§ 2. The Cabinet shall consist of a Minister of Foreign Affairs; a Minister of the Interior; a Minister of Finance; and an Attorney General.

§ 3. The President and Cabinet sitting together shall constitute the Executive Council.

THE PRESIDENT.

Qualifications of President.

22. In order to be eligible to the office of President, a person shall—

Be not less than 35 years of age;

Have been born in the Hawaiian Islands, or resided therein for not less than fifteen years;

And be a citizen of the Republic.

First President.

23. Sanford Ballard Dole is hereby declared to be the President of the Republic of Hawaii, to hold office until and including the 31st day of December, 1900, and thereafter until a successor shall have been duly elected and qualified.

Election of President.

24.—§ 1. On the third Wednesday of September, 1900, and on the third Wednesday of September in every sixth year thereafter the Legislature shall meet to elect a President for a term of six years, to begin with the 1st day of January of the year following.

§ 2. For the purposes of such election the Senate and the House of Representatives shall sit together.

The election shall be by ballot, and the person receiving a majority vote of all the elective members to which the Legislature is entitled, which majority shall include a majority of all the Senators, shall be President for the succeeding term, or for the unexpired portion of such term in case no person shall have been elected prior to the first day of such term.

§ 3. If the Legislature shall fail to elect a President before the 1st day of January following the date when the Legislature is required to meet for such election, the President whose term has then expired, or the Minister who is acting as President, shall continue to be or act as President until his successor is elected and qualified; but such failure to elect shall in no case discharge the Legislature from their duty to immediately proceed with such election.

§ 4. No President shall be eligible for re-election for the term immediately following that for which he was elected.

Salary of President.

25. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Republic.

Power of Appointment.

26.—§ 1. The President, with the approval of the Senate, shall appoint the members of the Cabinet, the Judges of the Supreme and Circuit Courts, the Auditor-General, and all Diplomatic and Consular Representatives to foreign countries; and until the end of the first session of the Senate the appointees of the President shall act.

§ 2. In case a vacancy in any such office shall occur while the Senate is not in session, the President may fill such vacancy by granting a commission, which shall, unless confirmed, expire at the end of the next session of the Senate.

§ 3. In case of the absence from the seat of Government or temporary disability of any member of the Cabinet, the President may appoint one of the remaining members of the Cabinet to temporarily perform the duties of the member so absent or disabled.

No such *ad interim* appointment shall, however, be valid for more than sixty days from the date of the appointment.

§ 4. The President shall also, with the approval of the Cabinet,

appoint the members of the Board of Health, Board of Education, Board of Immigration, Board of Prison Inspectors, and any other Boards of a public character which may be created by law, and the District Magistrates.

§ 5. The President shall have the appointment and removal of all officers of the Government whose appointment or removal is not otherwise provided for.

Power of Removal.

27. The President shall have the power, with the approval of the Cabinet, to remove any of the officers enumerated in the last Article, except the Auditor-General, and the District Magistrates, who shall be removable as provided by law; and except the Judges of the Supreme and Circuit Courts, who shall be removable only as herein prescribed; and except the members of the Cabinet, who shall be removable only by the President with the consent of the Senate. The President, with the approval of three members of the Cabinet, may remove any member of the Cabinet.

Convening the Legislature.

28. The President may convene the Legislature or the Senate alone, in special session, and in case the seat of Government shall be insecure from an enemy, riot, or insurrection, or any dangerous disorder, direct that any regular or special session shall be held at some other than the regular meeting place.

Receiving Foreign Representatives.

29. The President shall receive and acknowledge all Diplomatic Representatives accredited to the Republic by other Governments.

Messages to the Legislature.

30. The President shall, upon the meeting of the Legislature, and at such other times as he may deem proper, inform such body, by message in writing, as to the condition of the Republic, or concerning other matters of public interest, and recommend the consideration of such measures as to him shall seem best.

Martial Law; Suspension of Habeas Corpus.

31. The President, or one of the Cabinet Ministers as herein provided, may, in case of rebellion or invasion, or imminent danger of rebellion or invasion, when the public safety requires it, suspend the privilege of the writ of *habeas corpus*, or place the whole or any part of the Republic under martial law.

Treaties.

32. The President, with the approval of the Cabinet, shall have the power to make Treaties with foreign Governments, subject to the ratification of the Senate.

The President, with the approval of the Cabinet, is hereby expressly authorized and empowered to make a Treaty of Political or Commercial Union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

Commander-in-chief.

33. The President is the Commander-in-chief of all the military forces of the Republic.

THE CABINET.

Counsellors of the President.

34. The Cabinet shall be the special counsellors of the President, and shall be consulted by him concerning all matters of public policy, appointments to office, and other matters of importance concerning which action is contemplated.

The President shall not be bound to follow the advice of the Cabinet, except in the instances where, by this Constitution, the approval of the Cabinet is required as a prerequisite for his action.

Reports; Responsibility; Powers of Appointment and Removal.

35.—§ 1. Each member of the Cabinet shall keep an office at the seat of Government, and shall, not later than the last Wednesday in February in each year, present to the President a full report of the principal transactions within his Department during the year ending the 31st December last preceding, together with such recommendations as he may think proper.

He shall also at any time, when requested in writing by the President, report to him on any subject within the scope of his authority.

§ 2. The members of the Cabinet shall be responsible for the conduct of their respective Departments; and, with the approval of the President, shall have the appointment and removal of the following heads of Bureaus, under their respective Departments, viz. :—

The Superintendent of Public Works; the Surveyor-General; the Registrar of Conveyances; the Superintendent of the Honolulu Water-works; the Marshal; the Collector-General of Customs; the

Tax Assessors in Chief; and the Postmaster-General; and also the heads of any other Bureaus created by law.

§ 3. Each head of a Bureau shall be responsible for the conduct of his Bureau, and shall have the appointment and removal of the officers under him, subject to the approval of the Minister in whose Department he is employed.

§ 4. The financial responsibility of any officer of the Government, for his own conduct, or that of his subordinates, shall be determined by law.

Acting President in case of Death, Disability, or Absence of President.

36.—§ 1. In case of the temporary disability or absence from the country of the President, the Minister of Foreign Affairs, while such disability or absence continues, shall act as President; or

In case of the disability or absence from the country of such Minister, the Minister of the Interior, while such disability or absence of the President continues, shall act as President; or

In case of the disability or absence of both such Ministers, the Minister of Finance, while such disability or absence of the President continues, shall act as President; or

In case of the disability or absence from the country of the three Ministers aforesaid, then the Attorney-General, while such disability or absence of the President continues, shall act as President.

§ 2. In case of the death, resignation, removal, or permanent disability of the President, the Minister of Foreign Affairs shall thereupon act as President until a successor to the President is elected in the manner herein designated; or

In case of the disability or absence from the country of such Minister, the Minister of the Interior shall act as President for the time aforesaid; or

In case of the disability or absence from the country of both such Ministers, the Minister of Finance shall act as President for the time aforesaid; or

In case of the disability or absence from the country of the three Ministers aforesaid, the Attorney-General shall act as President for the time aforesaid.

§ 3. If at any time during the absence of the President or Acting President from the seat of Government an occasion shall arise requiring a declaration of martial law, or suspension of the writ of *habeas corpus*, the powers in and concerning such matters herein granted to the President may be exercised by one of the Cabinet Ministers, who shall act in order of priority and in the order named in § 2 of this Article.

§ 4. In case of the death, resignation, removal, or permanent disability of the President, before six months prior to the expiration of his term, the Minister who shall thereupon act as President shall, unless the Legislature is in session, immediately summon a special session of the Legislature, to meet within thirty days, to elect a President to fill the unexpired term of the President who has died, resigned, been removed, or become permanently disabled.

§ 5. In case any Minister shall act as President as herein provided, he shall, while so acting, have all the rights and powers and be subject to all the duties and obligations by this Constitution granted to or prescribed for the President.

Ex-officio Members of the Legislature.

37. The members of the Cabinet shall be *ex-officio* members of both Houses of the Legislature, with all the rights, powers, and privileges of elected members, except the right to vote.

THE LEGISLATIVE POWER.

The Legislature.

38.—§ 1. The legislative power of the Republic is vested in a Legislature, and, subject to the limitations herein provided, a Council of State.

The Legislature shall consist of two Houses, styled the Senate and the House of Representatives, which shall organize and sit separately, except as otherwise herein provided.

The two Houses shall be styled "The Legislature of the Republic of Hawaii."

§ 2. No person shall sit as a Senator or Representative in the Legislature, unless elected under and in conformity with this Constitution.

General Elections.

39.—§ 1. A General Election shall be held on the last Wednesday of September 1897, and General Elections shall be held on the last Wednesday in September every two years thereafter.

§ 2. If from any cause a General Election shall not be held at the appointed time, the Minister of the Interior shall without unnecessary delay appoint another time for the holding of such election.

And the election so held upon such appointment shall be deemed to be a General Election.

Supreme Court judge of Qualifications of Members.

40. In case any election to a seat in either House is disputed, and legally contested, the Supreme Court shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

Burden of Proof of Eligibility.

41. In case the eligibility of any person to be a Senator or Representative, or an elector of Senators or Representatives, is questioned by any legal voter before any Court or Tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.

The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed sufficient to shift the burden of proof, but he shall show by other evidence to the satisfaction of the Court or Tribunal that he is eligible.

Disqualifications of Legislators.

42. No member of the Legislature shall during the term for which he is elected be appointed or elected to any office of the Government except that of President, Cabinet Minister, Justice of the Supreme Court, or member of the Council of State.

Disqualifications of Government Officers and Employes

43. Except members of the Council of State, no person holding office in or under or by authority of the Government, including Notaries Public and Agents to take Acknowledgments, nor any employé of the Government, shall be eligible to election to the Legislature, or to hold the position of an elected member of the same.

Disqualification of certain Classes.

44. No idiot or insane person, and no person who shall be expelled from the Legislature for giving or receiving bribes, or being accessory thereto, and no person who in due course of law shall have been convicted of larceny, bribery, gross cheat, or of any criminal offence punishable by imprisonment, whether with or without hard labour, for a term exceeding two years, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall be pardoned and restored to his civil rights.

Oath of Office.

45. Every elective member of the Legislature shall take the following oath or affirmation :—

I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and Laws of the Republic of Hawaii, and conscientiously and impartially discharge my duties as a member of the Legislature.

Officers and Rules.

46. The Senate and the House of Representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Constitution, and keep a journal.

Ayes and Noes.

47. The ayes and noes of the members on any question shall, at the desire of one-third of the members present, be entered on the journal.

Quorum.

48.—§ 1. A majority of the number of elective members to which each House is entitled shall constitute a quorum of such House for the conduct of ordinary business, of which quorum a majority vote shall suffice. But the final passage of a law in each House shall require the vote of a majority of all the members to which such House is entitled.

§ 2. A smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may provide.

§ 3. For the purpose of ascertaining whether there is a quorum present, the Chairman shall count the number of members present.

Punishment of Persons not Members.

49. Each House may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either House, who shall be guilty of disrespect of such House by any disorderly or contemptuous behaviour in its presence; or

Who shall publish any false report of its proceedings; or

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such House; or

Who shall assault, arrest, or detain any witness or other person ordered to attend such House on his way going to or returning therefrom; or,

Who shall rescue any person arrested by order of such House.

But the person charged with the offence shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defence.

Compensation of Members.

50. The members of the Legislature shall receive for their services, in addition to mileage at the rate of 10 cents a-mile each way, the sum of 400 dollars for each regular Session of the Legislature, payable in three equal instalments on and after the first, thirtieth, and sixtieth days of the Session; and the sum of 200 dollars for each extra Session of the Legislature, except a Session for the sole purpose of electing a President, for which members shall receive mileage only.

Punishment of Members.

51. Each House may punish its own members for disorderly behaviour or neglect of duty, by censure, suspension, or expulsion.

Exemption from Liability.

52. No member of the Legislature shall be held to answer for any words uttered in the exercise of his legislative functions in either House, before any other Tribunal.

Exemption from Arrest.

53. The members of the Legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the Sessions of the respective Houses, and in going to and returning from the same. Provided that such privilege as to going and returning shall not cover a period of over ten days each way.

THE SENATE.

Number of Members.

54.—§ 1. The Senate shall be composed of fifteen members. The Senators to be elected at the first election held under this Constitution shall hold office until the General Election held in the year 1899.

Elections.

§ 2. Senators shall be elected at the General Election to be held on the last Wednesday of September 1899, in three classes, to hold office for two, four and six years respectively, and thereafter in

terms of six years. The details of such election and apportionment of terms shall be provided for by the Legislature.

Vacancies.

§ 3. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

Senatorial Districts.

55.—§ 1. For the purpose of representation in the Senate, until otherwise provided by law, the Republic is divided into the following Senatorial districts, viz. :—

First district, the Island of Hawaii ;

Second district, the Islands of Maui, Molokai, Lanai, and Kahoolawe ;

Third district, the Island of Oahu ;

Fourth district, the Islands of Kauai and Niihau.

§ 2. The electors in the said districts shall be entitled to elect Senators as follows :—

In the first district, four ;

In the second district, three ;

In the third district, six ;

In the fourth district, two.

Qualifications of Senators.

56. In order to be eligible to election as a Senator, a person shall—

Be a male citizen of the Republic ;

Have attained the age of 30 years ;

Be able understandingly to speak, read, and write the English or the Hawaiian language ;

Have resided in the Hawaiian Islands not less than three years ;

Be the owner, in his own right, of property in the Republic of the value of not less than 3,000 dollars over and above all encumbrances, or have been in the receipt of a money income of not less than 1,200 dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.

THE HOUSE OF REPRESENTATIVES.

Number of Representatives.

57.—§ 1. The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.

Term of Office.

§ 2. The term of office of the Representatives elected at the first election held under this Constitution shall extend to the last Wednesday in September 1897, and the term of those thereafter elected at general or special elections shall be until the next general election held thereafter.

Vacancies.

§ 3. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

Representative Districts.

§ 4. For the purpose of representation in the House of Representatives, until otherwise provided by law, the Republic is divided into the following representative districts, viz. :—

First district, that portion of the Island of Hawaii known as Puna, Hilo, and Hamakua ;

Second district, that portion of the Island of Hawaii known as Kau, Kona, and Kohala ;

Third district, the Islands of Maui, Molokai, Lanai, and Kahoolawe ;

Fourth district, that portion of the Island of Oahu lying east and south of Nuuanu Street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point ;

Fifth district, that portion of the Island of Oahu lying west and north of the fourth district ;

Sixth district, the Islands of Kauai and Niihau.

Apportionment.

§ 5. The electors in the said districts shall be entitled to elect representatives as follows :—

In the first district, two ;

In the second district, two ;

In the third district, three ;

In the fourth district, three ;

In the fifth district, three ;

In the sixth district, two.

Qualifications of Representatives.

58. In order to be eligible to be a member of the House of Representatives, a person shall, at the time of election—

Have attained the age of 25 years ;

Be a male citizen of the Republic ;

Be able understandingly to read, write, and speak the English or Hawaiian language ;

Have resided in this country not less than three years ;

And shall either own property in the Republic worth not less than 1,000 dollars over and above all encumbrances, or have received a money income of not less than 600 dollars during the twelve months immediately preceding the date of election.

LEGISLATION.

59. The Legislature has the power to enact wholesome laws not inconsistent with this Constitution.

Session of the Legislature.

60.—§ 1. The first regular Session of the Legislature shall be held on the third Wednesday in February 1896, and biennially thereafter, in Honolulu.

§ 2. Neither House shall adjourn, during any Session, for more than three days, or *sine die*, without the consent of the other.

§ 3. If either House shall so adjourn without the consent of the other, the other House may proceed to legislate as though it were the sole legislative body, and may exercise the full powers of the Legislature.

§ 4. Each Session of the Legislature shall continue not longer than ninety days, excluding Sundays and holidays.

Provided, however, that the President, with the approval of the Cabinet, may extend such Session for not more than thirty days.

§ 5. Special Sessions of the Legislature shall be held at such times as may be indicated by the President in manner herein provided, or upon the call of the presiding officer of the Senate, when requested in writing so to do by two-thirds of the members of the Senate; or at such other times as are herein specially provided.

Enacting Clause.

61. The enacting clause of all laws shall be, "Be it enacted by the Legislature of the Republic of Hawaii."

Introduction of Bills.

62. No Bill shall be introduced into either House by any member of such House, unless it shall have first received thereon the written indorsement of three members of such House.

Title of Laws.

63. Each law shall embrace but one subject, which shall be expressed in its title.

The title of a law amending or repealing another law shall refer to the section or chapter of the law amended or repealed, and to the subject-matter involved.

Readings of Bills.

64. A Bill, in order to become law, shall, except as herein provided, pass three readings in each House, the final passage of which in each House shall be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes, and entered upon its journal.

Certification of Bills from one House to the other.

65. Every Bill when passed by the House in which it originated or in which amendments thereto shall have originated, shall immediately be certified by the Chairman and Clerk, and sent to the other House for consideration.

Signing Bills.

66. Except as herein provided, all Bills passed by the Legislature shall, in order to be valid, be signed by the President.

Veto of President.

67. Every Bill which shall have passed the Legislature shall be certified by the Chairman and Clerk of the House last considering and shall thereupon be presented to the President. If he approves it, he shall sign it, and it shall become a law. If the President does not approve such Bill, he may return it with his objections to the Legislature.

He may veto any specific item or items in any Bill which appropriates money for specific purposes; but shall veto other Bills, if at all, only as a whole.

Procedure upon Receipt of Veto.

68. Upon the receipt of a veto message from the President, each House of the Legislature shall enter the same at large upon its journal, and proceed to reconsider such Bill, or part of a Bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such Bill, or part of a Bill, shall be approved by a two-thirds vote of all the elective members to which each House is entitled, it shall thereby become law.

Failure to Sign or Veto.

69. If the President neither signs nor vetoes a Bill within ten days after it is delivered to him, it shall become law without his signature, unless the Legislature adjourns *sine die* prior to the expiration of such ten days.

In computing such period of ten days, Sundays, holidays recognized by the laws of the Republic, and the day upon which the Bill is delivered to the President, shall be excluded.

Appropriations.

70.—§ 1. Appropriations, except as otherwise herein provided, shall be made biennially by the Legislature.

§ 2. The Minister of Finance shall submit to the Senate, at each regular Session of the Legislature, Appropriation Bills for the succeeding biennial period.

§ 3. No Appropriation Bill or Bill providing for a national loan shall be introduced by any one except a member of the Cabinet.

Provided, however, that any member may introduce a Bill amending the permanent Appropriation Bill for salaries and pay rolls herein provided for.

§ 4. In case of a failure of the Legislature to pass Appropriation Bills providing for payments of the necessary current expenses of carrying on the Government, and meeting its legal obligations, the Minister of Finance may, with the advice of the Executive Council, make such payments for and during the new biennial period, for which purpose the sums appropriated in the last Appropriation Bill shall be deemed to have been reappropriated.

§ 5. The Appropriation Bill for salaries and pay rolls shall be a permanent one, and the items and amounts therein enumerated, and such salaries and pay rolls as may hereafter be incorporated therein, shall continue, until stricken out or amended, to be the basis for payment in future, and shall not be required to be reappropriated from time to time.

§ 6. The Appropriation Bill for salaries and pay rolls passed on the 26th day of April, 1894, shall continue in force, and be the permanent Appropriation Bill for the purposes therein set forth, subject to such amendments and additions thereto as may from time to time be made by the Legislature.

Retrospective Laws.

71. Except as herein provided, no retrospective law shall ever be enacted.

ELECTIONS.

Exemption of Electors on Election Day.

72.—§ 1. Every elector shall be privileged from arrest on election day, during his attendance at election, and in going to and returning therefrom, except in case of breach of the peace there committed, or in case of treason or felony.

§ 2. No elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence for actual military service, in which case provision may be made by law for taking his vote.

Method of Voting for Representatives.

73. Each voter for Representatives may cast as many votes as there are Representatives to be elected from the Representative district in which he is entitled to vote. He may cast them all for one Representative, or may apportion them among the several Representatives in such manner as he sees fit; provided, however, that any fractional division of a vote other than one-half shall be void.

The required number of candidates receiving the highest number of votes in the respective Representative districts shall be the Representatives for such districts.

Qualifications of Voters for Representatives.

74. In order to be eligible to vote for Representatives, a person shall—

(1.) Be a male citizen of the Republic; and, if naturalized prior to the 17th January, 1893, be a native of a country having or having had Treaty relations with Hawaii; or

Have received special letters of denization entitling him to all the privileges of Hawaiian citizenship; or

Have received from the Minister of the Interior the certificate of service herein provided for;

(2.) Have resided in the Representative district in which he offers to register, not less than one month immediately preceding the time at which he offers to register;

(3.) Have attained the age of 20 years;

(4.) Have taken and subscribed the oath set forth in Article 10 of this Constitution;

(5.) Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for Representatives for his district;

(6.) Prior to such registration have paid, on or before the 1st day

of January next preceding the date of registration, all taxes due by him to the Government. Provided, however, that for the registration for the first election held under the provisions herein, taxes may be paid at any time prior to the application for registration ;

(7.) Be able understandingly to speak, read, and write the English or Hawaiian language.

In order to comply with this requirement he shall be able to read and write with ordinary fluency any section or sections of this Constitution.

Provided, however, that the requirement that he shall be able understandingly to speak, read, and write the English or Hawaiian language shall not apply to those persons who shall obtain the certificate of service as provided for in Article 17.

Method of Voting for Senators.

75. Each voter for Senators may cast one vote only for each Senator to be elected from the Senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective Senatorial districts shall be the Senators for such district.

Qualifications of Voters for Senators.

76. In order to be eligible to vote for Senators, a person must possess all the qualifications and be subject to all the conditions required by this Constitution of voters for Representatives, and, in addition thereto, he shall own and be possessed in his own right of real property in the Republic of the value of not less than 1,500 dollars over and above all encumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register ; or personal property of the value of not less than 3,000 dollars over and above all encumbrances ; or shall have actually received a money income of not less than 600 dollars during the next year preceding the 1st day of April next preceding the date of each registration ; for the proof of which he may be required to produce original accounts of the receipt of such income.

REGISTRATION OF VOTERS.

77.—§ 1. No person shall vote for the election of Representatives or Senators unless he is qualified as herein required, and unless his name is entered by a Board of Registration upon the Register of Voters as herein provided.

Registration Boards.

§ 2. For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five Boards of Registration, one for that portion of the Island of Hawaii known as Puna, Hilo, and Hamakua; one for that portion of the Island of Hawaii known as Kau, Kona, and Kohala; one for the Islands of Maui, Molokai, Lanai, and Kahoolawe; one for the Island of Oahu; and one for the Islands of Kauai and Niihau. Such Boards shall consist of three members each, who shall be appointed by the President with the approval of the Senate. The President, subject to such approval, may fill all vacancies in any of such Boards. Provided, however, that for the first election held under this Constitution the President, with the approval of the Cabinet, shall have the power to appoint and remove the members of such Boards, and with like approval may fill any vacancies in such Boards which shall occur before the first meeting of the Senate. Appointments made by the President during a vacation of the Senate shall be valid until the succeeding meeting of that body.

Members of any such Boards may be removed by the President with the approval of the Senate.

Time of Meeting.

§ 3. The Boards of Registration shall meet within thirty days after this Constitution takes effect, for the purpose of registering persons entitled to be registered to vote for Senators and Representatives, and shall continue to meet at such points within their respective districts, for such time as will give all persons entitled to register a reasonable opportunity so to do. Provided, however, that the final sitting of such Boards shall not be less than twenty-one days prior to the first election held under the provisions herein.

§ 4. The Boards shall meet within their respective districts at such times between the 1st day of April and the 30th day of June in the year 1897, and between such days in each second year thereafter, as many times as may be necessary to enable them to register all persons entitled to register.

Register at Special Elections.

§ 5. At any intermediate special election the Register of Voters used at the last preceding General Election shall be used without change.

Personal Appearance of Applicant.

§ 6. No name shall be placed upon the Register of Voters for either Senators or Representatives, except upon the personal

appearance of the applicant before the Board of Registration at an advertised public meeting of the Board.

Examination of Applicants.

§ 7. Each applicant to be placed upon the Register of Voters for either Senators or Representatives shall, upon each application for registration, be examined under oath by the Board of Registration as to each one of the required qualifications.

Provided, however, that after an applicant shall once have passed an examination concerning his ability understandingly to speak, read, and write the English or Hawaiian language, it shall be at the discretion of the Board to examine him further or not concerning such qualification.

The examination of the applicant, and of all witnesses examined before any Board of Registration, shall be under oath, administered by any of the members of such Board, who are hereby authorized to administer oaths for such purpose.

The examination, number of witnesses, and time or times of examination, shall be under the reasonable control and discretion of the Board.

Powers of Board.

§ 8. Each Board of Registration is hereby given all of the powers and authority, for the summoning and examination of witnesses and the maintenance of order, including the power to punish for contempt, given by law to Circuit Courts.

Perjury.

§ 9. Any person who shall, under oath, knowingly make any false statement before any such Board, or who, knowing that he is not entitled to register or to vote, shall so register or vote, shall be guilty of the offence of perjury.

Summary Committal for Perjury.

§ 10. The several Boards are hereby given power to summarily commit any person for trial for perjury committed before any such Board, if, in their opinion, there is probable cause to believe that, upon the trial, such person would be convicted of such offence.

Challenging.

§ 11. Any lawful voter may challenge the right to register of any person claiming to be eligible to register as a voter, cross-examine the applicant and any witnesses produced by him, and produce and examine witnesses against such eligibility.

§ 12. No Board of Registration shall enter the name of any person upon the Register of Voters until satisfied that such person possesses the requisite qualifications.

Appeal from Board.

§ 13. If any Board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered, any legal voter, may, at any time within ten days after the decision of such Board, appeal to the Supreme Court in the manner provided by law for civil appeals to the Supreme Court from the Circuit Court, or in such manner as may hereafter be provided by law.

§ 14. Upon such appeal being perfected, the Supreme Court shall proceed to hear such cause either in term time, or in vacation, as soon thereafter as reasonably may be; and the determination by such Court of such question shall be final.

Notice of Decision to Board.

§ 15. Immediately upon rendering a decision upon any such appeal, the Supreme Court shall notify the Board of Registration from which such appeal was taken; and if such decision shall reverse the decision of the Board, such Board shall immediately cause the register to be corrected to conform with such decision.

Status of Person registered pending Appeal.

§ 16. In case of an appeal from a decision of any Board admitting the name of any person to registration, the name of such person shall remain upon the register pending the decision of the Supreme Court concerning the same.

If the person so registered shall vote at any election before a decision of the Court shall have been made and acted upon, such vote shall not invalidate such election, even though the decision of the Court shall be adverse to the registration of such name.

Notice of Meetings.

§ 17. The time and place of all meetings of the several Boards shall be advertised in the English and Hawaiian languages, in newspapers, or by notices posted in at least three frequented places in the locality where such meetings are to be held.

This section shall not be construed to prohibit the adjournment of any such advertised meeting from day to day to a time certain, announced at the time of adjournment.

Time of Registering.

§ 18. No name shall be registered or stricken from the register except in an open meeting of the Board and upon public announcement, except for the following causes, viz.:

(1.) In case the Supreme Court shall render a decision upon appeal, reversing the decision of the Board.

(2.) In case the Board has decided that a person is entitled to registration and his name has been accidentally omitted from the register, mis-spelled, or he has therein been misnamed.

Copies of Register to be sent to Inspectors of Election.

§ 19. The respective Boards shall, as soon as reasonably may be after the Register of Voters for any voting precinct is completed, prepare four copies thereof and forward them to the Chairman of Inspectors of Election for such precinct; or, in case such officer shall not then have been appointed, to the Deputy Sheriff of the district in which such precinct is located.

The officer receiving such copies shall retain one for use at the election, and immediately post the other copies in three frequented places within the precinct, for the inspection of the public.

Inspectors not to change Registers.

§ 20. No name shall be added to or stricken from the Register of Voters, or in any manner changed by the Inspectors of Election, except upon the written order of the Board of Registration for such district.

Correction of Register.

§ 21. If it shall be manifest to any Board, at any time, that the name of a person admitted to registration has been accidentally omitted from the register or mis-spelled, or that he has been misnamed therein, such Board shall immediately remedy such omission or mistake; and, if a copy of the register has been sent to the election precinct in which such person is entitled to vote, shall immediately in writing order the Inspectors of Election for such precinct to correct such copy of the register.

Such order shall set forth the reasons for the action directed to be taken, and shall be retained and filed by the Inspectors of Election as a part of the records of the election.

The power of revision and correction hereby conferred shall not be construed to allow the reopening of the question of the qualifications of any person registered by the Board.

Record of Proceedings.

§ 22. The several Boards shall each keep books of record in which Minutes shall be preserved of all their proceedings.

Repeal of Election Laws.

78. All election laws in force when this Constitution is promulgated are hereby repealed.

Rules and Regulations for Oaths and Elections.

79. Until otherwise provided by law the President, with the approval of the Cabinet, shall have power to make rules and regulations not inconsistent herewith, for administering oaths and holding elections provided for by this Constitution.

First Election.

80. The first election of the Legislature shall be held at such time and places, within four months after the promulgation of this Constitution, as shall be directed by the President, with the approval of the Cabinet.

COUNCIL OF STATE.

How Constituted.

81.—§ 1. There shall be a Council of State of fifteen members, five of whom shall be elected by the Senate, five by the House of Representatives, and five appointed by the President with the approval of the Cabinet. The members of the Executive Council may sit and take part in the meetings of the Council of State, but shall not vote.

§ 2. The Council of State shall be elected and appointed during the first Session of the Legislature; and at each regular Session held thereafter.

Term of Office.

§ 3. The term of office of the members thereof shall expire at the end of each regular Session of the Legislature held after their election.

Vacancies; how filled.

§ 4. Vacancies among the elective members of the Council occurring between Sessions of the Legislature may be filled by the Council.

Vacancies among the appointed members of the Council

occurring at any time may be filled by the President with the approval of the Cabinet.

Qualifications of Members.

§ 5. Persons who are eligible to become elective members of the Legislature, or who are such members and no others, shall be eligible to be elected or appointed as members of the Council.

Powers of Council of State.

§ 6. The Council of State may, upon the request of the Executive Council, appropriate public moneys, when, during the time intervening between the sessions of the Legislature, the emergencies of war, invasion, rebellion, pestilence or other great public necessity shall arise.

In case of such appropriation, the Minister of Finance shall render a detailed account of the expenditures made under such authority to the next regular Session of the Legislature.

Pardons.

§ 7. The President, by and with the advice of the Cabinet and the Council of State, shall have the power to grant reprieves and pardons and to commute sentences, after conviction, for all offences except in cases of impeachment.

Advisory Powers.

§ 8. The Council of State shall also, when called upon by the President, advise him in all matters for the good of the State, wherein he shall require its advice.

Meetings.

§ 9. The Council of State may be convened at any time by the President. Its members shall serve without pay.

THE JUDICIAL POWER.

82. The Judicial Power of the Republic shall be vested in one Supreme Court, and in such Inferior Courts as the Legislature may, from time to time, establish.

Supreme Court; Impeachment; Removal.

83.—§ 1. The Supreme Court shall consist of a Chief Justice and not less than two Associate Justices. Provided, however, that in case of the disqualification or absence of any Justice thereof, if

any cause pending before the Court, his place for the trial and determination of said cause shall be filled as provided by law.

§ 2. The Justices of the Supreme Court shall hold their offices during good behaviour, subject to removal upon impeachment, and shall receive for their services a compensation which shall not be diminished during their continuance in office. Provided, however, that any Justice of the Supreme Court, or a Judge of any other Court of Record, upon recommendation of the Executive Council, may be removed from said office, on a resolution passed by two-thirds of all the elective members of the Legislature sitting together.

§ 3. The Justice or Judge against whom the Legislature may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislature shall act thereon. He shall be heard before the Legislature.

Supreme and Inferior Courts.

84. The Judicial Power shall be divided among the Supreme Court, the Justices thereof, and the several Inferior Courts of the Republic in such manner as the Legislature may, from time to time, prescribe; and the tenure of office of the Judges of the Inferior Courts shall be such as may be fixed by the law creating them.

Jurisdiction.

85. The Judicial Power shall extend to all cases in law and equity, arising under the Constitution and Laws of the Republic, and Treaties, to all cases affecting public Ministers and Consuls, and to all cases of Admiralty and Maritime Jurisdiction.

Decisions.

86. The decisions of the Supreme Court shall be final and conclusive upon all parties, when made by a majority of the Justices thereof or by a majority of those who constitute the Court as provided by law in case a Justice thereof is disqualified or absent.

Opinions to the Executive.

87. The Justices of the Supreme Court, when requested by the President or the Cabinet, shall render opinions upon questions of law upon solemn occasions.

Disqualification by previous Judgment.

88. No Judge or Magistrate shall sit on an appeal or new trial, in any case in which he may have given a previous judgment.

Disqualification by Relationship or Pecuniary Interest.

89. No person shall sit as a Judge or juror in any case in which his relative by affinity, or by consanguinity within the third degree, is interested, either as plaintiff or defendant, or in the issue of which the said Judge or juror may have, either directly or through such relative, any pecuniary interest.

IMPEACHMENT.

90.—§ 1. The President and all Civil Officers of the Republic shall be liable to removal from office on impeachment by the House of Representatives upon any of the following grounds, namely:

Any act or negligence involving moral turpitude punishable by law as an offence and committed while in office, incapacity for the due performance of official duty, maladministration in office, and assessment of office-holders for partisan or political expenses.

§ 2. The Senate shall be a Court, with full and sole authority to hear and determine all impeachments made by the House of Representatives.

§ 3. The Chief Justice of the Supreme Court shall be *ex officio* President of the Senate in all cases of impeachment, unless when impeached himself. Should the Chief Justice be impeached, some person specially commissioned by the President shall preside over the Senate during such trial.

§ 4. Previous to the trial of any impeachment the Senators shall respectively be sworn truly and impartially to try and determine the charge in question according to law and the evidence.

§ 5. The judgment of the Senate, in case of the conviction of the person impeached, shall not extend further than to removal from office and disqualification to hold any place of honour, trust or profit under the Republic; but the person so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment according to law.

MISCELLANEOUS PROVISIONS.

Constitution Supreme Law.

91. This Constitution when promulgated shall thereupon become the Supreme Law of the Republic, and the Constitution promulgated on the 7th day of July, 1887,* and all other Constitutions at any time the Supreme Law in the Hawaiian Islands, and also all laws and parts of laws inconsistent herewith, are hereby expressly abrogated and are declared to be null and void.

Existing Statutes and Offences.

92.—§ 1. All Statutes and enactments in force in the Hawaiian Islands at the time this Constitution takes effect, not inconsistent therewith, and all rights, actions, prosecutions, judgments, and contracts then existing and valid, shall continue as if this Constitution had not been adopted, unless the same are inconsistent with this Constitution, or are herein specifically abrogated, or are otherwise herein provided for.

§ 2. Statutes heretofore enacted, which are not inconsistent herewith, which refer to the King, or the Government, or the kingdom, or to the Provisional Government, shall be construed to refer to the President, or to the Republic or Government of the Republic of Hawaii, as the case may be.

All acts which, by Statute in force at the time when this Constitution takes effect, have heretofore been defined to be offences against the King, or the Provisional Government, or otherwise, shall be deemed to be offences against the Republic or Government of Hawaii, unless such Statute shall be inconsistent herewith, or shall be repealed or changed by law.

Acts heretofore committed, which were prohibited by Statutes existing at the time such acts were committed, shall be punishable under said Statutes, the same being construed as above provided.

§ 3. All criminal and penal proceedings arising or now depending within the limits of the Hawaiian Islands shall be prosecuted to final judgment and execution in the name of the Republic of Hawaii; and all causes of action arising to individuals or corporations, and all actions at law and suits in equity now depending in the several Courts within the limits of the Hawaiian Islands, not already barred by law, may be commenced or carried on to final judgment and execution in the corresponding Courts of the Republic.

The style of all processes shall be "The Republic of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Republic of Hawaii.

Nothing in this Constitution contained shall be the basis or ground for a writ of error or *habeas corpus* or *certiorari* or prohibition or *quo warranto*, nor for an appeal in any pending judicial proceeding, and all process heretofore issued, or which may be issued prior to the day when this Constitution shall go into effect, shall be as valid as if issued in the name of the Republic of Hawaii; but such writs or appeals shall lie in respect of all judgments, decrees, orders, or other proceedings heretofore made, or had, or pending in the several Courts of the Hawaiian Islands, in con-

formity with the laws in force when such writs, decrees, orders, or other proceedings were made or were pending.

Office Holders.

93.—§ 1. All persons holding office under the Provisional Government of the Hawaiian Islands at the date of the promulgation of this Constitution shall continue to hold and exercise all the power to them granted until their respective offices shall become vacant.

§ 2. All commissions issued by or under authority of the late Monarchy, or of the Provisional Government of the Hawaiian Islands, are hereby declared to be vacated, null, and void, from and after the 1st day of September, 1894, unless cancelled prior to that date.

Treaties, Bonds, &c., confirmed.

94. All existing Treaties and all bonds and notes heretofore made or authorized under the authority of the late Monarchy or of the Provisional Government of Hawaii, and all obligations of the Postal Savings Bank are hereby recognized, ratified, and confirmed.

Crown Land.

95. That portion of the public domain heretofore known as Crown land is hereby declared to have been heretofore, and now to be, the property of the Hawaiian Government, and to be now free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law. All valid leases thereof now in existence are hereby confirmed.

Majority Rule.

96. The approval, concurrence, consent, advice, agreement, or action of the Legislature or either House thereof, or of the Executive Council or of the Council of State, or of any Board of Registration or other public Board, shall not for its validity require the assent of more than a majority, unless otherwise herein required; but in respect of the Executive Council such majority shall be required to include the President.

No Public Aid to Sectarian or Private Schools.

97. From and after the 31st December, 1895, no public money shall be appropriated nor public land conveyed to or for the support or benefit of any sectarian denominational or private school, or any school not under the exclusive control of the Government.

Lotteries.

98. No lottery shall be authorized in this Republic, nor shall the sale of lottery tickets be allowed.

Government Officers not to take Foreign Employment.

99. No officer of the Republic nor member of the Legislature shall hold any office or receive any pay from any other Government or Power whatever.

Advisory Council.

100. Until the convening of the first Legislature, in either special or regular Session, the members of the Advisory Council of the Provisional Government of the Hawaiian Islands shall constitute a Council to be styled the "Advisory Council of the Republic of Hawaii."

The Advisory Council of the Republic of Hawaii and the Executive Council, sitting together, shall be vested with all the powers and authority heretofore vested in the Executive and Advisory Councils of the said Provisional Government, and also all the powers and authority by this Constitution granted to the Senate or to the Legislature.

Such convening of the Legislature shall thereby terminate the existence, power, and authority of the Advisory Council.

Oath of Officers, Electors, Legislators, and Jurors.

101. No person shall be eligible to be an officer, Senator, or Representative under the Republic, or an elector of Senators or Representatives, or a juror, until he shall have taken and subscribed the following oath or affirmation, viz.: I do solemnly swear (or affirm), in the presence of Almighty God, that I will support the Constitution, Laws, and Government of the Republic of Hawaii; and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a Monarchical form of Government in the Hawaiian Islands.

Interpretation.

102. Wherever the word "herein" is used in this Constitution it shall be deemed to mean and include anything contained in this Constitution or any Article or clause thereof, unless the context indicates another construction thereof.

The titles to Articles and sections of this Constitution shall not be construed to be a part thereof.

AMENDMENT OR REVISION OF THE CONSTITUTION.

103.—§ 1. This Constitution may be amended or revised in the following manner and no other :—

§ 2. Amendments to this Constitution or a revision thereof may be proposed by not less than five members of either House at any regular Session of the Legislature.

§ 3. In order to pass any amendment or revision it shall receive three readings in each House, at each of which readings it shall receive an affirmative vote in each House of not less than a majority of the elective members to which such House is entitled.

The vote shall be taken by a call of the ayes and noes, which, with the proposed amendment or revision, shall be entered on the journal.

§ 4. Upon the passage by the Legislature of any amendment or revision of the Constitution as aforesaid, it shall be the duty of the Minister of the Interior to publish such amendment or revision weekly for the twelve weeks next preceding the succeeding General Election to the Legislature in not less than two newspapers published in Honolulu in the English and Hawaiian languages respectively.

§ 5. Such amendment or revision shall be considered by the Legislature at its first regular Session following the succeeding General Election, and, in order to be finally adopted, shall receive three readings, on different days, in each House, at the first and second of which readings it shall receive an affirmative vote in each House of a majority of the elective members to which such House is entitled, and at the last of which readings it shall receive an affirmative vote in each House, of not less than two-thirds of the elective members to which such House is entitled.

The voting shall be taken by a call of the ayes and noes, which, together with the proposed amendment or revision, shall be entered in the journal.

§ 6. Each amendment shall be considered and voted upon separately in each Session of the Legislature in which it shall come up for consideration, as herein provided.

§ 7. In case of a proposed revision of the Constitution, each component part of such revision forming a separate proposition shall, in like manner, be considered and voted on separately, except upon the final reading at the second Session of the Legislature at which such revision shall be considered, when it shall be voted on as a whole.

§ 8. Any amendment or revision which shall have been adopted in manner aforesaid by two successive Legislatures shall thereupon, and without further Act, become a part of the Constitution of the Republic.

The Constitutional Convention, convened in Honolulu, Island of Oahu, Hawaiian Islands, on the 30th day of May, A.D. 1894, pursuant to the provisions of Act 69 of the Acts of the Provisional Government of the Hawaiian Islands, intituled "An Act to provide for a Constitutional Convention," approved the 15th day of March, A.D. 1894, and pursuant to the Proclamation of the President summoning said Convention to assemble, having framed and adopted the Constitution hereinbefore set forth; now it is hereby declared, enacted, and proclaimed by the Executive and Advisory Councils of the Provisional Government and by the elected Delegates, constituting said Constitutional Convention, that on and after the 4th day of July, A.D. 1894, the said Constitution shall be the Constitution of the Republic of Hawaii and the Supreme Law of the Hawaiian Islands.

Done in Convention by unanimous consent this 3rd day of July, A.D. 1894, in witness whereof we have hereunto subscribed our names.

SANFORD B. DOLE, *President of the Provisional Government.*

WILLIAM CHAUNCEY WILDER, *Vice-President.*

FRANCIS MARCH HATCH, *Minister of Foreign Affairs.*

JAMES ANDERSON KING, *Minister of the Interior.*

WILLIAM OWEN SMITH, *Attorney-General.*

[Here follow the signatures of the Delegates.]

JAPANESE ORDINANCE, respecting Newspaper Regulations.—December 28, 1887.

(Translation.)

WE hereby give our sanction to the present Ordinance relating to the amendment of the Newspaper Regulations and order it to be promulgated.

(Privy Seal.) (His Imperial Majesty's Sign Manual.)

Dated the 28th day of the 12th month of the 20th year of Meiji.

COUNT HIROBUMI ITO, *Minister-President of State.*

COUNT ABINORI YAMAGATA, *Minister of State for Home Affairs.*

COUNT AKIYOSHI YAMADA, *Minister of State for Justice.*

IMPERIAL ORDINANCE No. 75.

Newspaper Regulations.

ART. 1. Any person desiring to publish a newspaper shall, two weeks previous to the day of the first publication thereof, send in a notice to that effect to the Department of State for Home Affairs through the Local Government authorities (in Tôkiô through the Metropolitan Police Office) in whose jurisdiction the said newspaper is to be published.

2. In the said notice of intention of the publication of a newspaper the following particulars shall be mentioned :—

- (1.) The name of the newspaper ;
- (2.) The nature of the topics to be treated ;
- (3.) The periods of publication ;
- (4.) The place wherein published and the place wherein printed ;
- (5.) The names and ages of the publisher, editor, and printer.

When there are two or more editors, the name of that editor shall be given who has the principal charge of the editorship. It is, however, permitted that the editing of a paper be divided into several sections, and that a responsible editor be placed over each one thereof.

3. When, after the foregoing notice has been given, any change is to be made in the name of the newspaper, in the nature of the topics to be treated, or of the publisher, a notice shall be sent in two weeks beforehand in accordance with the provisions of Article 1.

Whenever any change has been made in the period or place of publication of any newspaper, in the place where it is printed, in its editor, or in its printer, a notice to that effect shall be sent within one week, in accordance with the provisions mentioned in Article 1.

4. When the publisher of a newspaper has died or has become legally disqualified, a new publisher shall be instituted, and a notice thereof shall be given within one week, in accordance with the provisions of Article 1. In the meanwhile, the paper may be published under the name of the "provisional publisher."

5. When there has been no issue of a newspaper after a lapse of fifty days from the day on which notice of its intended publication has been sent in, or from the day on which its publication has been stopped, the said notice of publication shall become void.

6. Only a Japanese male subject above twenty full years of age can become the publisher, editor, or printer of a newspaper.

No one who has been deprived of his public rights can become the publisher, editor, or printer of a newspaper, nor can any one do

so whose public rights have been suspended, as long as they remain so suspended.

7. Neither the editor nor the printer of a newspaper is allowed to act at one and the same time in both capacities.

8. Every publisher of a newspaper shall, simultaneously with the giving of notice of intended publication of a newspaper, deposit with the Local Government authorities (in Tòkiò with the Metropolitan Police Office) one or the other of the following sums of money as security:—

(1.) In Tòkiò, 1,000 yen.

(2.) In Kyoto, Osaka, Yokohama, Hyogo, Kobe and Nagasaki, 700 yen.

(3.) In all other localities, 300 yen.

One-half only of the above specified respective amounts shall be required of newspapers published three or fewer times per month.

The security required may be furnished in the form of public loan bonds at the current market rate, or in the form of deposit notes issued by national banks.

Such papers as contain only matters relating to science, art, statistics, Government notifications, or to reports of market prices, shall not fall within the scope of the provisions of this Article.

9. The security shall be returned when the publication of the newspaper has been discontinued or prohibited.

10. When the notice mentioned in Articles 1, 3, and 4 has not been sent in, or when a newspaper, for which security is required, has been published without the deposit thereof, the Chief of the Metropolitan Police Office or the Governor of the locality shall stop the publication of such newspaper until the proper notice has been given, or the security has been deposited.

11. A newspaper shall contain in each and every issue the names of the publisher, of the editor, and of the printer, as well as of the place of publication.

Any one appending his signature to a newspaper or to any statement therein contained, otherwise than as the publisher or printer of the newspaper, shall be held equally responsible with the editor thereof.

12. On the issue of every number of a newspaper, two copies thereof shall be at once sent to the Department of State for Home Affairs, and a copy each to the Local Government authorities (in Tòkiò to the Metropolitan Police Office) and to the Public Prosecutor's Office in the Court of First Instance of the locality of publication.

13. Whenever a mis-statement has been made in a newspaper, and the party affected thereby, or any party concerned in the same, demands its correction, or sends for publication a com-

munication containing correction or protest, the correction shall be made or the communication of correction or protest shall be published in full in the second or third issue after the receipt of such demand or communication. In case the number of words in the said communication should exceed twice the number thereof in the original statement, the newspaper may make, for the number of words in excess, a charge at the rate established for ordinary advertisements.

The correction or protest shall be published in the same type as was the original statement, and at the head of the same division of the newspaper.

When either the language or the spirit of the said communication of correction or protest is in conflict with the law, or when the person demanding the publication of the said communication does not give his name and address, such communication need not be published.

14. Whenever, with respect to items taken from the "Official Gazette" or from any other newspaper, a correction has been made or a communication of correction or of protest has been published in the "Official Gazette" or in some other newspaper, every newspaper shall make the correction, according to the forms described in the foregoing Article, in its second or third issue after the receipt of the said newspaper, even if the party effected or any party concerned in the matter has not demanded it. The charge of advertisement cannot be demanded therefor.

15. Whenever a newspaper has had a judgment pronounced against it on account of some matter published in one or the other of its issues, it shall publish the sentence of the Court in full in its next issue.

16. No matter connected with the preliminary investigation of crimes or delicts shall be published before the public trial thereof has occurred.

No matters relating to a law case tried with closed doors shall be published.

17. No article perversely vindicating a criminal shall be published.

No writing, the object of which is to defend or sympathize with a person or persons accused of a crime, or with an offender or offenders against criminal laws, shall be published.

18. No official document which has not been made public, no memorial, representation or petition shall be published, either in full or in an abridged form, without permission of the competent Government Office.

No deliberation in a Government Office and no deliberation in a public assembly conducted with closed doors in compliance with the law shall be published either in full or in an abridged form.

19. When the Minister of State for Home Affairs recognizes

that a newspaper is prejudicial to public peace and order, or is detrimental to morals, he may either prohibit or suspend the publication of the said newspaper.

20. When the publication of a newspaper has been either prohibited or suspended, the Minister of State for Home Affairs may prohibit the sale and distribution of the said newspaper; he may also seize it.

21. When a newspaper published in a foreign country is deemed to be prejudicial to public peace and order or detrimental to morals, the Minister of State for Home Affairs may prohibit the sale and distribution of the said newspaper within the territories of this Empire; he may also seize it.

22. The Minister of State for War or the Minister of State for the Navy may issue a special order prohibiting the publication of matters relating to the movements of troops or of war vessels or to military or naval secrets or movements.

23. When a public prosecution has been instituted against a newspaper for a statement made therein, the Public Prosecutor may temporarily seize the said newspaper.

The judge may, according to the nature of the offence, confiscate the seized copies of the said newspaper.

24. Whenever a suit has been instituted against a newspaper for a statement made therein, and the plaintiff has proved that the avowed editor of the said newspaper has not in fact the principal charge of the editorial departments, but that there is besides him a chief editor, the Judge shall hold both the avowed editor of the said newspaper and the real chief editor equally responsible for the statement.

25. Whenever a suit for libel has been brought against a newspaper for a statement made therein, and the Court recognizes that the statement in question has been made with no malicious intention to injure the person concerned, but for the sake of the public interest, the Court may permit the defendant to prove the fact, except when the statement relates to personal matters. When the proof has been established, the newspaper shall be cleared of the charge of libel. The same shall also apply when a newspaper shall have been sued for damages.

26. Whenever a newspaper does not pay the full amount of the expenses and of the fine it has been condemned to, or does not pay the damages pronounced against it, within a week after the conclusion of the case, the security it has deposited shall be utilized for the purpose; and when such security is insufficient, the deficiency shall be exacted according to the provisions mentioned in the Criminal Code for the collection of the expenses of justice and of

In case the security has been utilized for the expenses of the trial, for the damages or for the fine imposed, the publisher shall make up the deficiency within a week from the receipt of notice to that effect from the Local Government authorities (from the Metropolitan Police Office, in Tôkiô). Should there be failure to pay the full amount due, the Chief of the Metropolitan Police Office or the Governor of the locality shall stop the publication of the newspaper in question until the said full amount due shall have been paid.

27. When the notice mentioned in Articles 1, 3, and 4, has not been sent in, or when the provisions of Articles 6, 7, 11 (first clause), and 12 have been violated, or when a newspaper for which security is required has been published without the deposit of the security, the publisher shall be liable to a fine of not less than 5 yen and not more than 100 yen. Any one convicted of the offence of the assumption of a false signature or title shall be liable to the same punishment as the publisher.

When truth is withheld in sending in the notices mentioned in Articles 1, 3, and 4, the publisher shall be liable to a minor imprisonment of not less than one month and of not more than six months, or to a fine of not less than 5 yen and not more than 100 yen.

When a newspaper belonging to the category mentioned in the last clause of Article 8 publishes matters that ought properly to be contained in a newspaper for which security is required, the editor shall be liable to the same punishment as is set forth in the preceding clause.

28. In case of the violation of Articles 13, 14, and 15, the editor shall be liable to a fine of not less than 5 yen and of not more than 100 yen.

29. In case of the violation of Articles 16, 17, and 18, the editor shall be liable to a minor imprisonment of not less than one month and of not more than six months, or to a fine of not less than 20 yen and of not more than 200 yen.

30. Any person who sells or distributes a newspaper in violation of Article 21 shall be liable to the same punishment as is set forth in the preceding Article.

31. In case of the violation of Article 22, the publisher and editor shall be liable to a minor imprisonment of not less than one month and of not more than two years, or to a fine of not less than 20 yen and not more than 300 yen.

32. When in a newspaper an article has been published the object of which is to undermine the existing system of government or to disturb the constitutional laws of the Empire, the publisher, editor, and printer of the newspaper shall be liable to a minor imprisonment of not less than two months and of not more than two

years, with a fine of not less than 50 yen and of not more than 300 yen.

In case of the violation of this Article, the apparatus used for the purpose shall be confiscated.

33. When a newspaper of obscene character has been published, the publisher and editor thereof shall be liable to a minor imprisonment of not less than one month and of not more than six months, or to a fine of not less than 20 yen and of not more than 200 yen.

34. In the case mentioned in Article 13, the offence connected with personalities shall be brought to a settlement by the institution of a suit by the injured party.

35. The provisions mentioned in the Criminal Code for the mitigation of penalties on account of voluntary confession, for the aggravation of penalties on account of repetition of offence, and for the concurrence of several infractions committed by the same person, shall not be applied in cases of the violation of any of the provisions of the present Regulations.

36. The term of prescription for the institution of public prosecution in connection with the present Regulations shall be six months.

37. The present Regulations shall also apply to such magazines published periodically as do not come within the scope of the Publication Regulations.

*JAPANESE ORDINANCE, respecting the Examination of Prizes of War, and the Establishment of Prize Courts in Japan.—August 20, 1894.**

(Translation.)

—

WE hereby sanction the present Ordinance concerning the examination of prizes of war, and order the same to be promulgated

(Privy Seal.) (His Imperial Majesty's Sign Manual.)

The 20th day, the 8th month, the 27th year of Meiji.

Count ITO HIROBUMI, *Minister-President of State.*

Count SAIGO TSUGUMICHI, *Minister for the Navy.*

MUTSU MUNEMITSU, *Minister for Foreign Affairs.*

* Notified in the "London Gazette" of November 9, 1894.

IMPERIAL ORDINANCE No. 149.

Chapter I.—*Organization and Competence of Prize Court and Higher Prize Court.*

ART. 1. Matters concerning prizes of war shall be examined in first instance by the Prize Court, and in second instance by the Higher Prize Court.

2. In the Prize Court there shall be appointed one President and six Councillors.

The President shall be appointed from the Judges of Court of Appeal.

Of the Councillors, one shall be appointed from officers of the Imperial navy, two from Judges, one from the Naval Judges, one from the Councillors of the Board of Legislation, and one from the Councillors or Secretaries of the Department of Foreign Affairs.

3. In the Higher Prize Court there shall be appointed one President and eight Councillors.

The President shall be appointed from the Privy Councillors.

Of the Councillors, one shall be appointed from the Privy Councillors, two from the Admirals, and three from the Judges of Supreme Court, and the remaining two shall be the President of the Board of Legislation and the Director of the Political Bureau in the Department of Foreign Affairs.

4. The Presidents of the Prize Court and Higher Prize Court shall respectively superintend the affairs of the Courts, and personally preside over the examinations. Should the President be prevented from discharging his duties, he may detail one of the Councillors of the respective Courts to represent him at the examinations.

5. In both the Prize Court and the Higher Prize Court there shall be appointed two Procurators.

The Procurators of the Prize Court shall be appointed from public Procurators, and those of the Higher Prize Court from high administrative officers.

6. The Presidents, Councillors, and Procurators of the Prize Court and Higher Prize Court shall be appointed by the Minister President of State with Imperial sanction.

7. Clerks shall be appointed in the Prize Court and Higher Prize Court.

The clerks shall be of Hannin rank, and shall be appointed by the respective Presidents.

8. The examination and decision shall be made by a collegiate body in case of the Prize Court, of not less than five members, consisting of the President and Councillors; and in case of the

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Higher Prize Court, of not less than seven members, consisting of the President and Councillors.

9. The opening and closing of the Prize Court and Higher Prize Court shall be determined by special Imperial Ordinance.

The Higher Prize Court shall sit in Tôkiô, but the seat of the Prize Court shall be determined by Imperial Ordinance.

Chapter II.—*Proceedings for the Examination of Prizes of War.*

10. The officer in command of a war-vessel or a vessel having made a capture shall bring the captured vessel to the port where the Prize Court is situated, or he shall place a Prize Master on board the captured vessel, and let him bring the same to such port, and immediately on arrival there a written statement shall be forwarded to the Court.

This statement shall contain the reasons for the capture, and all the facts to prove legality of that action, and it shall be accompanied by all the books and papers received by the master or crew of, or found on board, the captured vessel.

11. The President of the Prize Court shall, on receipt of the statement mentioned in the preceding Article, name one of the Councillors to take charge of the case.

The Councillor in charge shall open, in the presence of the Commanding Officer or Prize Master and the master of the captured vessel, the seal of the documents produced, and make a list of them.

12. The Councillor in charge shall hear the verbal statements of the master and crew of the captured ship, and, if deemed necessary, the statements of the crew of the ship which has made the capture, as well as of the passengers on board the captured ship, and cause the clerk to take minutes thereof.

13. The Councillor in charge shall, after the examination of facts deemed necessary for determining whether the whole or a part of the capture shall constitute a prize or be released, draw up a written report and forward the same to the Procurator of the Court, together with the Report and accompanying papers mentioned in Article 10.

14. The Procurator shall draw up a Memorial in respect to the examination and lay the same before the Prize Court, together with all the documents forwarded to him.

The Procurator may designate those points of fact which are deemed necessary for drawing up his Memorial, and ask the Councillor in charge to make a special investigation thereof.

15. When the Procurator recommends in his Memorial the immediate release of the capture, and the Prize Court also deems it

proper, the Court shall draw up a written decision to that effect, and hand it to the Procurator.

16. In case the Procurator recommends in his Memorial that the capture be adjudged a prize, as well as in case the Prize Court regards as improper the Memorial of the Procurator recommending the immediate release of the capture, the Court shall take steps to issue a Notification.

Such notification shall be published in the official Gazette, and it shall state that any person who regards his interest as injured in consequence of the capture being pronounced a prize may send in a written Petition within thirty days from the day following the notification.

When no such Petition is sent in within the period prescribed in the preceding clause, the Prize Court shall immediately proceed with the examination; provided, however, that on application of the Procurator the decision be rendered immediately without the process of examination, and the written decision shall be delivered to the Procurator.

17. The written Petition shall contain the principal points of the prayer, and be accompanied by the documents and objects serving as proofs thereof.

18. When a Petition is sent in within the period prescribed in Article 16, a time shall be appointed for oral examination, and the Procurator and the petitioner shall be required to make their statements. The petitioner may employ Japanese advocates to plead his cause.

When the oral examination is completed, the decision shall be pronounced either immediately or at a future time specially appointed. The absence of the petitioner shall not cause the postponement of decision.

19. In case a further examination of evidence is required by the Prize Court during the proceedings, such examination may be ordered to the Councillor in charge.

The Procurator and petitioner may, during the proceedings, produce new facts and proofs.

20. Beside the foregoing, rules relating to the proceedings of the Prize Court are determined by the Court.

21. Procurators and petitioners may appeal to the Higher Prize Court against the decisions of the Prize Court.

22. The time allowed for appeal is twenty days from the day following the announcement of decision, or the transmission of written decision.

23. The appeal shall be made in writing at the Prize Court.

The written appeal shall contain the principal points of appeal, and a detailed account of the ground on which the same is based.

The written appeal of a petitioner is required to be signed by a Japanese advocate.

24. The written appeal of a Procurator shall be shown to the petitioner concerned by means of a copy prepared by the Prize Court, and that of a petitioner shall be shown to the Procurator concerned, and a written reply shall be required within ten days. The written reply of a petitioner is required to be signed by a Japanese advocate.

25. At the expiration of the period allowed for the reply, the Prize Court shall forward the documents concerning the appeal to the Higher Prize Court.

In case the Higher Prize Court deem it necessary to make a further examination of facts or proofs, the documents mentioned in the preceding clause shall be returned to the Prize Court ordering such examination.

The Prize Court shall order the Councillor in charge to make such examination, and the documents related thereto shall be shown to the Procurator and petitioner before they are forwarded to the Higher Prize Court.

26. The examination made by the Higher Prize Court shall be based upon documents.

27. Rules concerning the proceedings of the Higher Prize Court shall be determined by that Court.

28. Captures adjudged as prizes form an acquisition of State.

29. Captured vessels or goods shall be kept, until the final decision, in custody of the naval authorities, determined by the Minister for the Navy.

30. The enforcement of a decision shall be made by the Procurator of the Prize Court.

The Procurator of the Prize Court may, in enforcing a decision, ask the assistance of the naval authorities, or employ police officials.

31. The provisions of the present Chapter shall be applied to cases where captured vessels are not brought in owing to special circumstances, in so far as they are enforceable.

Additional Rule.

32. The present Ordinance shall be put in force from the date of promulgation.

MESSAGE of the Vice-President of the United States of Brazil, on the Opening of Congress.—Rio de Janeiro, May 7, 1894.

MM. LES MEMBRES DU CONGRÈS NATIONAL,

AU moment où vous allez commencer les travaux de la deuxième Législature, je dois, obéissant au précepte constitutionnel, vous rendre compte des graves événements survenus depuis le 6 Septembre, et qui ont si profondément ému l'esprit public, ordinairement disposé à la tranquillité et à la paix.

A l'exception des incursions de bandes armées qui, prétendant représenter un parti politique, continuaient à désoler le sol hospitalier du Rio Grande, on eût dit que notre situation était normale; le Congrès fonctionnait régulièrement; et, si les conditions économiques du pays n'étaient pas complètement favorables, tout faisait pressentir que, une fois la période des agitations passée, il allait entrer dans une phase de stabilité et de prospérité.

Il existait, il est vrai, des rumeurs sourdes provenant d'ambitions et dépit mal contenus; mais le Gouvernement, bien que se tenant sur ses gardes, était loin de supposer que leurs effets dussent faire explosion avec une telle intensité.

Ce ne fut donc pas sans surprise que, le matin du 6 Septembre, 1893, il se trouva en face d'une révolte disposant d'éléments puissants. Abusant du prestige dont il jouissait chez quelques-uns de ses camarades et s'alliant à des individus avec lesquels il semblait inconciliable, un officier général de la Flotte—le Contre-Amiral Custodio José de Mello—traîtreusement, au milieu des ténèbres de la nuit, s'empara des navires de guerre à l'ancre dans le port de cette capitale, ainsi que de toutes les embarcations nationales de propriété particulière; et, avec les éléments ainsi obtenus, s'érigea en Arbitre des destinées de la patrie et se jugea en droit d'intimer le Chef du Pouvoir Exécutif à déposer, sans doute à son propre profit, l'autorité qu'il représentait légitimement.

Une prétention si insolite fut repoussée *in limine*; et depuis lors, cette ville et celle de Nitheroy ont commencé à sentir les horreurs de bombardements continuels, dirigés par un homme qui, sans appui dans l'opinion publique, cherchait à l'émouvoir par des actes de la pire perversité.

Ce fut sous l'atmosphère asphyxiante de ces jours de deuil que le Congrès National termina les travaux de la première Législature, après avoir décrété l'état de siège et formulé patriotiquement ses vœux pour le rétablissement de la paix. Il n'y avait pas de temps à perdre; mon cœur saignait à l'idée de voir ainsi rompus les liens de la fraternité dans la famille Brésilienne, par l'effet de la haine, de l'ambition et de la vanité; mais mon devoir était de réagir, non

seulement pour la dignité de ma charge, mais encore pour le bien général de la République. Je craignis d'abord que le cosmopolitisme, dissous dans la dignité de l'âme nationale, n'eût affaibli sa cohésion et ses vertus civiques. Mais je me convainquis bientôt du contraire : du nord, du sud, de tous les points du Brésil, le patriotisme éclata avec une force plus que suffisante pour sauvegarder la République sérieusement menacée ; des représentants des ateliers et des écoles, de l'agriculture et du commerce, de toutes les classes sociales, enfin, coururent prendre les armes, et les dévouements se multiplièrent pour défendre le Gouvernement et soutenir la loi. Je vis que j'avais à côté de moi la nation et qu'il m'incombait de maintenir intact le principe de l'autorité, même au prix des plus grands sacrifices.

Ces événements sont tout récents ; pour mieux les faire comprendre, il faut les relier à leurs antécédents historiques, encore présents à la mémoire de tout le monde.

Les derniers jours du Gouvernement de mon prédécesseur s'étaient écoulés dans la tristesse et l'inquiétude. La politique d'alors, ayant fait divorce avec l'esprit démocratique et la loi, vint, de faute en faute, aboutir au coup d'État du 3 Novembre ; la dictature pleine et entière fut déclarée, la Constitution déchirée, le Congrès National dissous.

C'est de cette semence féconde de crimes que sont sortis les maux qui viennent d'affliger la patrie ; et plusieurs des hommes qui ont pris une part importante à ce crime originel ont également figuré dans les événements postérieurs.

Une certaine solidarité, tantôt manifeste, tantôt occulte, indique un courant de rébellion criminelle : la révolte du 20 Janvier, 1892, à la forteresse de Santa Cruz, et celle du 10 Avril de la même année, dans les rues de cette ville, toutes deux étouffées aussitôt, sont les indices les plus significatifs du vaste plan de ruine par lequel on voulait renverser la République. Il entre dans ce plan divers éléments : aux faux Républicains et conspirateurs de 1892 se sont joints des renforts amenés par le dépit et par l'indiscipline ; les spéculateurs de la bourse, avides de reparer leurs pertes, au prix même de la perte, pour eux indifférente, de la patrie ; quelques officiers de marine séduits par un chef, sorti depuis peu du Gouvernement, qui avait réprimé les premiers actes de conspiration ; un autre haut représentant de la classe navale, jusque-là ennemi personnel et politique du premier et partisan de la restauration—et tous ces éléments, de nature hétérogène, se sont fondus, par la pensée et l'action, dans le parti des prétendus *Fédéralistes* du Rio Grande do Sul, messagers de pillage et de carnage, obéissant aux ordres d'un ancien ambitieux politique, que l'avènement de la République a privé des privilèges dont il avait eu l'habileté de s'assurer la jouissance sous le régime déchu. Dans un tel amalgame de haines, de débits

et d'égoïsme, le comble de l'ignominie c'était l'idée perverse de faire revenir la patrie au joug monarchique, qu'elle avait secoué le 15 Novembre, 1889. Cette intention, à peine ébauchée d'abord, devint chaque jour plus manifeste, jusqu'à ce que la criminelle neutralité d'un fonctionnaire de la confiance du Gouvernement la transformât en trahison définitive.

C'est alors que l'âme de la patrie tressaillit d'indignation ; et, comme par enchantement, surgirent des légions accourant garder l'image sacrée de la République. Devant cette expansion de la conscience nationale en faveur des institutions, les révoltés virent sans doute l'inefficacité de leurs tentatives ; et, s'ils étaient déjà criminels sous le drapeau arboré le 6 Septembre, alors qu'ils se prétendaient les libérateurs de la patrie, les défenseurs de la Constitution, leur crime s'accrut encore quand ils déployèrent leur nouveau drapeau, avec le but clairement exprimé dans le manifeste que lança le Contre-Amiral Saldanha, en donnant au chef de la révolte le concours des troupes et de places de guerre, qui jusqu'à ce moment se disaient *neutres*.

Mais les bonnes causes, celles qui s'appuient sur la raison et sur la loi, résistent aux attaques les plus violentes et finissent le plus souvent par triompher : pendant six longs mois les habitants de Rio et de Nitheroy ont assisté, pleins d'anxiété, au terrible duel engagé entre les forces légales et les forces révoltées ; pendant six longs mois la mort a plané sur les deux villes, moissonnant des existences précieuses dans la population désarmée ; enfin, repoussés constamment dans leurs tentatives de débarquement, tant ici qu'à Nitheroy, les révoltés, découragés, ont renoncé à la lutte et évité le combat décisif, que les troupes légales leur ont franchement et publiquement offert le 13 Mars de cette année.

Il n'ont pas eu la suprême vertu des héros : fuyant la punition de leurs crimes, ils sont allés se réfugier à bord de deux navires de guerre Portugais, alors ancrés dans le port.

MM. les Membres du Congrès,

Ce dénouement inattendu, bien qu'entraînant comme conséquence la victoire du Gouvernement, a frappé d'un cruel coup mon cœur de Brésilien et de soldat ; car il n'indique rien moins qu'un profond abaissement du caractère national et représente un fait anormal dans notre histoire militaire, si riche en actes d'héroïsme et d'abnégation !

Il m'a fait peine de voir, ce jour-là, des officiers de mon pays aller ainsi, en attitude honteuse et suppliante, demander protection au drapeau d'une autre nationalité, dans les propres eaux de leur patrie, et, ce qui est plus triste, abandonnant de malheureux marins, instruments inconscients de leurs fautes et de leurs ambitions.

Une fois la révolte dans le port de Rio de Janeiro subjuguée, le Gouvernement s'est immédiatement occupé d'activer les opérations de guerre, indispensables pour délivrer les États de Paraná, de Santa Catharina, et de Rio Grande de l'oppression des envahisseurs ; à cette fin, en même temps que pénétraient dans l'intérieur du Paraná les forces organisées à Itararé, il a fait partir pour les mers du Sud l'escadre légale, placée sous les ordres du vaillant Amiral Jeronymo Franciaco Gonçalves.

Informés, sans doute, de ces dispositions et certains d'une déroute, les révoltés ont commencé à évacuer les États de Paraná et de Santa Catharina et sont allés risquer un dernier coup contre la ville de Rio Grande, près de laquelle, après cinq jours de lutte acharnée, ils ont été complètement battus par des forces très inférieures en nombre, commandées par le brave Général Bacellar.

Acculé de tous côtés et, paraît-il, à bout de ressources, le chef de la révolte, après avoir jeté sur la côte de la République de l'Uruguay un grand nombre de ses auxiliaires, a été, avec le reste de ses forces et les navires dont il s'était emparé, demander la protection du Gouvernement Argentin, qui la lui a accordée. Pendant que ces événements se passaient dans le Sud, l'escadre légale arrivait à Santa Catharina, et dans un combat livré au goulet du *Norte*, réussit à couler, la nuit du 16 Avril, le cuirassé *Aquidaban*, devenu si tristement fameux.

C'est donc la glorieuse Marine de Guerre Nationale, si compromise par quelques-uns de ses membres, qui a porté le dernier coup à cette révolte, en lui enlevant le plus puissant élément d'action dont elle disposait.

L'Etat de Santa Catharina une fois complètement délivré, comme son Gouvernement avait fait cause commune avec les révoltés et partagé leur fuite, j'ai fait partir pour cette destination, en qualité de Gouverneur provisoire, le Colonel de l'armée Antonio Moreira Cesar, afin de pourvoir à la réorganisation de l'État.

Au Paraná, le Gouverneur respectif, qui s'était vu forcé, devant l'envahissement des rebelles, d'abandonner la capitale, actuellement réoccupée par les forces du Gouvernement, a été déjà remis en possession de sa charge.

On peut donc considérer la révolte comme terminée, puisqu'elle se trouve réduite à quelques groupes dispersés et fugitifs, qui pourront facilement être battus.

Telles sont, MM. les Membres du Congrès, les grandes lignes générales de la filiation et de la succession des faits qui viennent d'avoir lieu.

Je dois maintenant me référer à un événement d'une extrême gravité qui se lie directement aux faits que je viens de rapporter.

Vous savez déjà que la révolte de l'escadre, commencée dans ce

port le 6 Septembre, 1893, s'est terminée le 13 Mars dernier par l'abandon de la lutte de la part du Contre-Amiral Saldanha da Gama, qui s'est réfugié, avec 492 rebelles, à bord des corvettes Portugaises *Mindello* et *Afonso d'Albuquerque*, lesquelles se trouvaient ici pour protéger les sujets de Sa Majesté Très Fidèle. Dans le Rapport du Ministère des Relations Extérieures, qui vous sera adressé en temps opportun, vous trouverez les détails de cet événement extraordinaire. Je dis extraordinaire, parce que le Commandant de la Division Navale Portugaise, abusant du droit dit d'asile, l'a accordé en des circonstances lui donnant incontestablement le caractère d'une offense à la souveraineté nationale.

L'escadre révoltée qui, pendant plus de six mois, d'abord livrée à ses seules ressources et ensuite avec le renfort des forteresses de Villegaignon et de l'Île Das Cobras, a bombardé journellement et impunément les forteresses du goulet et la ville de Nitheroy, et souvent Rio de Janeiro, se trouvait, le 13 Mars, cernée par ces forteresses, par les batteries de Nitheroy, par celles de Rio et par l'escadre du Gouvernement, qui lui barrait la sortie. C'est au milieu de ce cercle de feu, dans l'intérieur de la baie, au moment de l'action, que le Commandant des forces navales Portugaises s'est jugé en droit de donner refuge aux rebelles et de protéger ainsi leur retraite, impossible autrement. Il n'a pas donné sa protection à quelques révoltés seulement, mais à 493 hommes des garnisons des deux forteresses et des équipages des navires capturés, qui pouvaient encore opérer contre le Gouvernement du pays.

Je ne pouvais sanctionner de mon silence un procédé si offensant, ni même me borner à une simple protestation. J'ai réclaté la remise des réfugiés, non que je comptasse l'obtenir, mais parce que j'avais droit de l'exiger, en laissant au Gouvernement Portugais la responsabilité des conséquences de son refus.

Une fois l'asile accordé aux révoltés, ce dernier Gouvernement avait le devoir de prendre des mesures pour qu'ils ne pussent renouveler les hostilités contre le Gouvernement de leur pays ; et c'est ce qu'il a promis, en donnant l'assurance que les rebelles ne débarqueraient pas en territoire étranger. Cependant les deux corvettes se sont rendues au Rio da Plata, et les réfugiés ont débarqué sur le territoire Argentin pour faire quarantaine, j'ignore si c'est avec l'assentiment du Commandant Portugais ou non. Ce qui est certain, c'est qu'ils ont débarqué et je suis informé que plus de 200 d'entre eux se sont évadés sur le territoire de la République de l'Uruguay, avec l'intention, peut-être, d'aller se réunir à leurs alliés du Rio Grande do Sul.

J'ai la satisfaction de vous communiquer que nous continuons à maintenir les meilleures relations avec les Puissances étrangères ; quant au Portugal, le Gouvernement portera opportunément à

vosre connaissance la solution de l'incident dont je viens de m'occuper.

Il a déjà été remis au Président des États-Unis de l'Amérique les expositions et les documents à l'appui des droits que le Brésil et la République Argentine croient avoir au territoire des Missions. Attendons sa décision.

Je vous informe avec regret que de la part de quelques-uns de nos Représentants à l'étranger il n'y a pas eu, pendant la révolte, la sollicitude qu'on en devait attendre, quand il s'agissait des intérêts vitaux de la République.

D'accord avec l'opinion, généralement manifestée, qu'il n'y aurait aucun inconvénient à attendre une époque moins agitée et moins remplie d'alarmes pour convoquer les citoyens aux urnes ; et prenant en considération la suspension des garanties constitutionnelles par suite de l'état de siège, l'impossibilité où se trouvaient un grand nombre d'électeurs de déposer leurs votes, les limitations indispensables mises à la liberté de la presse, et autres circonstances mentionnées dans les Décrets No. 1574 du 20 Octobre et No. 1608 du 15 Décembre derniers, j'ai pris la délibération d'ajourner les élections générales, qui se sont effectuées le 1^{er} Mars, en même temps que celles du Président et du Vice-Président de la République, à Rio de Janeiro et dans les États, à l'exception seulement de ceux de Rio Grande do Sul, de Santa Catharina et de Paraná. Il a été promulgué dans ce but les instructions du Décret No. 1668 du 7 Février de cette année, avec les altérations marquées par la Loi No. 184 du 28 Septembre, 1893.

Parmi les mesures de caractère législatif dont l'urgence est reconnue, je dois indiquer à votre attention éclairée celles qui concernent les réformes à opérer en quelques points de notre organisation judiciaire, principalement dans le District Fédéral ; la réforme du système pénitentiaire, consistant surtout à remettre l'archipel de Fernando de Noronha sous la juridiction Fédérale ; l'uniformisation des Lois relatives à la Garde Nationale, qui a rendu dernièrement de si importants services ; la systématisation des dispositions sur la naturalisation ; la réglementation des textes constitutionnels quant à la perte et à la réacquisition des droits politiques ; l'expropriation pour cause d'utilité Fédérale ; l'état civil des naissances et des décès ; l'interprétation formelle de la disposition relative au cumul rémunéré de fonctions publiques, et l'indication des cas où doivent être accordés des secours pécuniaires aux États dans l'intervalle des Sessions Législatives, lorsque le besoin en est urgent, ainsi que le mode d'opérer en cette circonstance.

Les conditions sanitaires de cette capitale, qui ont encore empiré au commencement de l'année, où l'épidémie, aujourd'hui

heureusement disparue, a pris tout-à-coup un caractère alarmant, conseillent l'adoption de mesures ayant pour but de mettre la municipalité à même de s'occuper, comme elle le doit, de l'assainissement de la ville; car il est évident que les grandes améliorations matérielles dont a besoin la Capitale de l'Union Brésilienne ne peuvent être exécutées avec les seules ressources du Budget Municipal.

Vous trouverez sur tous ces sujets des informations détaillées dans le Rapport du Ministère respectif.

Le Gouvernement a publié les règlements indispensables pour le fonctionnement des Administrations Fédérales du Service Sanitaire terrestre et des ports; il appartient maintenant à votre sagesse de les amplifier dans la partie qui échappe à la compétence du Pouvoir Exécutif, de manière à compléter l'organisation de ces appareils administratifs.

L'instruction publique, distribuée par les établissements d'enseignement officiel et par d'autres établissements dus à l'initiative particulière, fait des progrès sensibles.

Un des externats du Gymnase National se trouve déjà converti en internat, conformément à la Loi récemment votée.

Un assez grand nombre de fonctionnaires Fédéraux, tant dans cette capitale que dans les États, se sont montrés partisans de la révolte; le Gouvernement en a les preuves et il s'occupe de donner à la République de meilleurs serviteurs.

Malheureusement, les effets désastreux de la révolte se sont faits sentir avec une intensité extraordinaire dans notre légendaire et glorieuse Marine de Guerre: les choses sont arrivées à tel point, le sentiment de la *neutralité* s'y est tellement répandu, que le Gouvernement s'est vu obligé à faire appel au patriotisme d'un officier général en retraite, parce que, exception faite de ceux qui se sont franchement manifestés en faveur des institutions, tous les autres se sont dérobés à l'accomplissement de leur devoir, autorisant ainsi la présomption que la contagion de l'esprit de révolte avait gagné presque entièrement la Marine.

En face des dommages de toute sorte, matériels et moraux, que lui a causés cette situation, il est urgent de la réorganiser complètement, de coordonner les services qui lui sont propres, de la mettre, enfin, en état de continuer à prêter son important concours à la défense de la patrie, de la loi et de l'autorité constituée.

Dans ce but, je dois suggérer les mesures qui me paraissent convenables et qui sont les suivantes:

La fusion des laboratoires pyrotechniques de Campinho et de l'Armação; de la pharmacie de l'hôpital de marine de cette capitale et du laboratoire Chimico-Pharmaceutique Militaire; des hôpitaux de l'armée et de la marine, et des Ecoles Navale et

Militaire, qui devront fonctionner dans un autre édifice convenablement situé ;

L'extinction du Commissariat Général de la Flotte et du bataillon Naval, qui a passé en entier aux révoltés ;

Le transfert de l'Arsenal de Marine de Rio dans une localité mieux appropriée ;

La réorganisation de la Station Navale de Matto-Grosso, avec les services de défense indispensables en ce point extrême du territoire de la République ;

La réorganisation du Service de la Carte Maritime, en attribuant la partie météorologique à l'Observatoire Astronomique ;

La réorganisation des Corps d'Ingénieurs Navals, de Mécaniciens, de Commissaires, et du Corps Sanitaire ;

La réforme des dispositions concernant la mise à la retraite obligatoire des officiers combattants et autres, ainsi que leur passage dans la réserve ;

La réforme du matériel naval endommagé par suite de la révolte, et la substitution complète de l'armement, dont le type devra se rapprocher le plus possible de celui de l'armée.

L'adoption de ces mesures aura non seulement pour résultat la réorganisation de la Marine Brésilienne, mais elle entraînera encore une économie considérable pour les coffres publics.

En conséquence, je sollicite l'autorisation nécessaire pour que le Gouvernement puisse promulguer les réformes ci-dessus mentionnées, dans les limites que fixera le Pouvoir Législatif.

L'Armée qui, par ses honorables antécédents, était digne déjà de la reconnaissance nationale, s'en est rendue encore plus digne par le rôle extrêmement important qu'elle a joué pendant la révolte.

Unie et patriotique, toujours obéissante à la loi, depuis le commencement de l'invasion du Rio Grande do Sul jusqu'à ce jour, elle s'est distinguée autant par sa résignation à supporter les souffrances que par les exploits qu'elle a accomplis, parmi lesquels je citerai la levée du siège de Bagé, le combat de l'Armação, à Nitheroy et—glorieuse auréole d'un mort—l'héroïque défense de la ville de Lapa, dans l'État de Paraná.

Par les récits de la presse vous devez savoir ce que fut cette défense, où le vaillant Général Gomes Carneiro a écrit la page la plus admirable, peut-être, de l'histoire militaire d'un peuple.

Je serais injuste si, après m'être rapporté à l'armée dans ces termes, je n'ajoutais qu'elle a eu comme auxiliaires et comme émules en bravoure et en discipline, différents Corps de la Garde Nationale, de patriotes et de Police, principalement à Rio et dans les États de Rio de Janeiro, de Paraná, de São-Paulo et de Rio Grande do Sul.

La révolte est venue montrer clairement que nous n'étions pas

et ne sommes pas préparés pour repousser promptement une agression interne, et encore moins une agression étrangère; comme je considérerais un crime de lèse-patriotisme de laisser nos ports et nos frontières dans le lamentable état d'abandon où ils sont restés jusqu'ici, je viens d'ouvrir sous ma responsabilité un crédit extraordinaire de 3,000 contos de reis, pour entreprendre des réparations si urgentes, et j'espère que vous ne lui refuserez pas votre approbation.

Le Gouvernement a déjà commencé la transformation du système d'armement des trois armes de combat, afin de placer l'armée nationale en des conditions analogues à celles des armées des autres nations de l'Amérique du Sud.

Le rapport du Ministre et Secrétaire d'État de la Guerre, qui vous sera remis en temps opportun, rend compte de diverses mesures déjà en exécution et en indique plusieurs autres que je vous recommande et dont le besoin est reconnu.

Le 1^{er} Mai de l'année dernière a eu lieu, à la date annoncée, l'ouverture de l'Exposition Universelle Colombienne de Chicago, qui a été close le 30 Septembre.

L'Exposition Générale du Brésil a été un véritable succès dans tous les sens, ainsi que le prouve le grand nombre de récompenses accordées. Cet heureux événement contribuera, j'en suis convaincu, à développer les relations commerciales entre les deux Républiques.

Le service d'introduction d'immigrants continue à être fait par la Companhia Metropolitana, conformément au contrat conclu le 2 Août, 1892. Malgré les difficultés occasionnées l'année passée par l'apparition du choléra en divers points de l'Europe et par la révolte, qui a entravé les communications maritimes, il est entré par le port de Rio et celui de Santos 123,926 immigrants.

Usant de l'autorisation accordée par le Décret Législatif No. 191 du 11 Octobre, 1893, le Gouvernement vient de promulguer le nouveau règlement pour le service des postes de la République, après avoir préalablement expédié celui des Télégraphes, d'accord avec les dernières Lois votées. Afin d'uniformiser le service postal, qui est le même dans tous les pays, à l'exception de cas particuliers relatifs à l'organisation de quelques courriers, on a pris en considération dans ce travail les aspirations de l'Union Postale Universelle, dont les efforts tendent au développement d'un service d'une importance si considérable pour les nations civilisées.

Les événements survenus depuis le mois de Septembre ayant causé l'interruption du service régulier sur les lignes du Nord et du Sud, à la charge de la Compagnie Lloyd Brasileiro, le Gouvernement, désireux de favoriser autant que possible les relations commerciales desservies par la même Compagnie, a promulgué le Décret No. 1624

du 29 Décembre, 1893, sur lequel a été basé le contrat provisoire conclu postérieurement. Par cette Convention, le Lloyd est engagé à effectuer trois voyages mensuels, au compte du Gouvernement Fédéral, entre les ports de Bahia et de Manaos, avec les escales primitives, et un voyage de Montevideo à Matto-Grosso, moyennant la subvention de 80 contos de reis par mois pour les voyages du Nord et de 45 contos de reis pour le voyage du Sud.

Il devient urgent de régulariser le réseau des voies ferrées de l'Union Brésilienne; c'est, à mon avis, une question d'une grande portée, tant pour la défense de nos frontières qu'au point de vue du développement de la richesse publique.

Pendant l'année il a été cassé plusieurs Concessions de Chemins de Fer, avec ou sans garanties d'intérêts, qui sont tombées en caducité.

Ce service s'est développé considérablement, par l'ouverture à l'exploitation de diverses sections de chemins en construction et par le commencement des travaux de quelques autres chemins.

Il n'a pas encore été possible d'obtenir le fonctionnement régulier de la ligne de Porto Alegre à Uruguayana, en raison de la persistance des causes qui ont troublé la marche de ses services, tant en ce qui regarde l'exploitation qu'en ce qui concerne la construction.

Le Chemin de Fer Central du Brésil, malgré le travail excessif de ces derniers temps, a maintenu avec une louable régularité ses services à sa charge.

Le Gouvernement réunit des éléments dans le double but d'effectuer la révision des tableaux d'appointements du personnel de tous les chemins de l'Union, conformément à ce que prescrit l'Article No. 8 de la Loi No. 191 B, du 30 Septembre, 1893, et de réformer les règlements respectifs, dans le sens de leur uniformisation, tenant compte des conditions spéciales de chaque État.

En ce qui regarde les autres chemins, leurs services ont été exécutés d'une façon satisfaisante.

Bien que l'approvisionnement d'eau de la capitale Fédérale ait été augmenté de plus de 30,000 mètres cubes par jour, il est nécessaire de changer le règlement actuel afin de fournir de l'eau en abondance aux habitants au moyen d'une distribution plus méthodique, en évitant les pertes et en supprimant les grandes consommations qui, sans avantage hygiénique et sans égard à la topographie de la ville, empêchent la régularité de l'alimentation, diminuant la charge nécessaire pour l'approvisionnement des points les plus élevés.

Les efforts employés dans le but d'obtenir les améliorations dont les ports de la République ont si grand besoin pour correspondre aux nécessités du commerce n'ont, malheureusement,

été couronnés de succès. Les Concessions faites dans ce sens, à l'exception des travaux du quai de Santos, qui se poursuivent au milieu de la crise économique que traverse le pays, n'ont pas encore donné, en dehors des études, de résultats dignes de mention. Quant aux services exécutés ou payés par le Gouvernement, leur avancement est contenu par les limites du Budget.

Le contrat conclu le 13 Septembre, 1890, avec la "Société Anonyme Franco-Brésilienne des Travaux Publics," pour la désobstruction du chenal du Rio Grande do Sul, a été résilié à l'amiable le 23 Octobre, 1893. Les travaux seront désormais faits par Administration, au moyen des fonds votés dans la Loi du Budget.

La statistique de la République continue à se faire d'une façon satisfaisante. Afin de mieux assurer les conditions d'égalité et d'uniformité nécessaires à cette branche du service public, le Gouvernement élabore actuellement un accord avec les divers bureaux de statistique des États.

On poursuit avec la rapidité désirable les travaux relatifs au Recensement, dont il sera, sans tarder, publié un volume, contenant une notice détaillée sur la population du District Fédéral. Il paraîtra ensuite un volume de tableaux synoptiques comprenant la population de toute la République, avec la division seulement par sexes, et où il sera fait la distinction des divers États et de leur division administrative respective. Enfin cette œuvre, la plus importante en ce genre qu'on ait encore entreprise au Brésil, sera complétée par la publication de volumes spéciaux, se référant à chacun des États de l'Union.

La Commission chargée de délimiter la zone de 14,400 kilom. carrés, destinée à l'établissement de la capitale Fédérale, selon les termes de l'Article 3 de la Constitution, a fini ses travaux sur le terrain, et a présenté dans le cours de l'année dernière un rapport partiel, qui a été publié au "Diario Official" et imprimé, en outre, en brochure. On y trouve des données et des informations suffisantes pour pouvoir juger de cette zone, de sa position géographique, de son climat, de sa constitution géologique, de ses richesses naturelles, &c. Il sera bientôt présenté le rapport général, contenant l'exposition détaillée de tous les travaux effectués.

Dans l'exposition de motifs, remise à la Chambre qui a pris l'initiative de la mesure, conformément à l'Article 87, § 1, de la Constitution, vous verrez les raisons pour lesquelles j'ai refusé sanction au projet de loi organique de la Cour de Comptes, approuvé par le Congrès lors de sa dernière réunion.

Vous savez bien que cette Cour peut parfaitement exercer le contrôle des deniers publics sans se constituer un obstacle à la marche régulière de l'administration, dont l'initiative, surtout en

certaines circonstances exceptionnelles, doit être prompte et décisive.

Notre système de comptabilité publique, plein de lacunes, d'imperfections et qui se prête mal au simple contrôle parlementaire, demande à être réformé de manière à s'ajuster au nouveau appareil de contrôle financier, pour que nous ayons un mécanisme harmonique et bien équilibré dans ses applications.

La révision, dans le but de mieux distribuer les taxes, du système tributaire Fédéral, fortement défalqué par le transfert aux États de plusieurs sources de revenu, est une mesure qui s'impose et qui a de heureux effets; car la généralisation de l'impôt, d'une façon proportionnelle et équitative, à tous ceux qui peuvent le payer, diminuera les charges des contribuables, déjà très onérés.

La pratique a démontré que les dernières réformes des services des finances réclament des mesures complémentaires destinées à entourer la perception des recettes des garanties qui lui manquent.

La profonde perturbation que la révolte a apportée dans l'ordre social, politique, et administratif, en entravant et même interrompant les communications entre cette capitale et quelques États, explique et justifie amplement le défaut de données complètes sur les opérations de la recette et de la dépense pendant l'exercice 1892.

D'après les Tableaux organisés dernièrement au Trésor, jusqu'au 31 Mars de cette année, et ne comprenant pas les balances, il manque, des États d'Amazonas, de Piauhy, de Pernambuco, de Bahia, de São-Paulo, de Paraná, de Santa Catharina, de Rio Grande do Sul, et de Goyaz, la recette vérifiée a été de 208,600,642\$840 et la dépense de 216,051,998\$239 reis; il y a donc eu un excédant de dépense de la valeur de 7,451,355\$399 reis; mais, si l'on déduit cet excédant de dépense de la valeur nette des dépôts, de 18,694,994\$397 reis, il reste un solde de 11,248,638\$998 reis.

Il n'est pas possible, par conséquent, de démontrer le résultat exact des opérations dans les trois semestres de cet exercice, mais seulement d'indiquer le résultat le plus approximatif, au moyen de calculs de probabilité, basés sur les Tableaux ci-dessus mentionnés.

La recette a été évaluée, par la Loi No. 126 A, du 21 Novembre 1892, à 233,268,300\$000 reis, chiffre qui doit nécessairement dépasser la recette réellement perçue; puisque, malgré les lacunes des données officielles, ainsi qu'il a déjà été dit, la recette connue se monte à un total de 227,295,637\$237 reis, à peine inférieur à l'évaluation de la somme de 5,972,662\$763 reis.

Quant à la dépense, si l'on ajoute à la valeur de 197,308,750\$300 reis, prévue par la Loi No. 126 B de la même date, la somme de 76,220,923\$118 reis, montant des crédits extraordinaires supplémentaires, ouverts pour des dépenses imprévues et pour des services qui ne sont que provisoirement à la charge de l'Union,

dont elle sera remboursée en temps opportun, le chiffre total s'élève à la somme de 273,529,673\$534 reis, qui, comparée avec la recette de 227,295,637\$237 reis, déjà vérifiée, présente un déficit de 46,234,036\$297 reis.

Mais, si l'on met en ligne de compte le résultat, sans aucun doute considérable, de la recette dans les neuf États ci-dessus mentionnés, et que l'on ne connaît pas encore, faute des balances respectives, au nombre de quarante-trois, il est certain que ce déficit dans la liquidation de l'exercice diminuera dans une proportion considérable.

Pour la recette de l'exercice courant, à en juger d'après les recouvrements, déjà vérifiés, du premier trimestre, qui se montent à 46,054,390\$967 reis, et en admettant que ceux du semestre additionnel ne resteront pas au-dessous de la somme de 17,350,890\$964 reis, qu'a produit la même période de l'exercice de 1892, il est permis de la calculer au minimum de 201,567,954\$832 reis ; car le chiffre du premier trimestre, pris comme terme de comparaison, se ressent de la diminution de l'importation et de la stagnation des marchandises dans les magasins, surtout de la douane de Rio, par suite des obstacles provenant des événements politiques de cette époque.

Les intérêts supérieurs de l'ordre public et l'insuffisance de quelques-uns des fonds votés pour des services indispensables, et dont l'exécution ne pouvait être retardée, ont créé pour le Gouvernement la nécessité absolue de recourir à l'ouverture des crédits suivants :—

					Reis.
Justice et Intérieur	..	..	..	..	3,693,005\$517
Relations Extérieures	..	..	..	..	214,191\$692
Marine	..	..	..	..	17,071,743\$738
Guerre	..	..	..	..	32,000,000\$000
Industries, Voies de Communication, et Travaux					
Publics	..	..	..	..	22,184,182\$171
Finances	..	..	..	..	1,057,800\$000

Ensemble 76,220,923\$118 reis, comme vous le verrez dans les rapports des Ministères respectifs. Il convient de vous faire remarquer que l'Union doit être indemnisée de la valeur de quelques-uns de ces services.

En dépit des efforts employés par les révoltés afin d'empêcher le mouvement du commerce et de la douane de cette capitale, en bombardant les édifices où fonctionnent cette Administration et ses dépendances, et en dirigeant leur fusillade sur les ouvriers qui y travaillaient, la perception des impôts douaniers et autres revenus publics n'a jamais cessé de s'effectuer, bien que sur une moindre échelle.

C'est avec satisfaction que je vous informe que le Gouvernement a pourvu aux dépenses extraordinaires et urgentes imposées par la révolte, en usant des ressources strictement nécessaires, sans recourir à des emprunts, et sans s'écarter des règles établies par la législation du pays.

Dans le but de relever le crédit national, en réduisant chaque fois davantage l'émission, déjà unifiée à la Banque de la République du Brésil, il est convenable que vous décrétiez des mesures tendant au rachat graduel de cette émission et à l'équilibre du Budget.

Pour protéger et développer les industries—principalement l'industrie agricole, celle qui contribue le plus à la richesse publique—je vous rappelle la convenance de décréter, relativement aux institutions de Crédit Foncier, des mesures qui leur permettent de satisfaire pleinement à leur objet.

Une fois la paix complètement rétablie en conditions de stabilité, comme il est permis de l'espérer dans un avenir très rapproché, le Trésor s'allègera nécessairement du poids de ses charges actuelles, grâce à la richesse inépuisable du pays, pourvu que les sources de recette soient fécondées par des mesures patriotiques, que l'on s'efforce de développer l'activité nationale dans ses manifestations multiples, et que l'on offre un emploi rémunérateur au capital sous des garanties sérieuses.

MM. les Membres du Congrès,

Vous trouverez probablement plusieurs lacunes dans le présent Message, qui ne peut manquer de se ressentir de l'influence de la révolte et des embarras causés par elle.

Dans les cours de la Session je vous communiquerai par des Messages spéciaux les mesures auxquelles le Gouvernement a dû avoir recours pour maintenir, comme il le fallait, en toute sa plénitude, la force de la loi, le prestige de l'autorité. Quelles que soient, d'ailleurs, les informations dont vous ayez besoin, je serai toujours prêt à vous les fournir, de la manière la plus complète possible.

MM. les Membres du Congrès,

Avant de rentrer dans l'obscurité, d'où m'a tiré la bienveillance du Congrès Constituant, je dois vous révéler une triste vérité. Pendant la révolte, le Pouvoir Public a trouvé parfois son action gênée par des prétentions mal fondées, des exigences exorbitantes, qui n'auraient peut-être pas surgi en d'autres circonstances.

Je crois en avoir assez dit pour vous faire comprendre la nécessité de mettre le Brésil en conditions d'être respecté comme il doit l'être et comme l'exige sa position dans le continent Américain.

Je termine en vous remettant, victorieuse et forte, la République

des États-Unis du Brésil, dont j'ai pris le gouvernement le 28 Novembre, 1891. Ma conscience me dit que, pour la soutenir, je n'ai épargné ni efforts ni sacrifices. C'est à vous maintenant de compléter cette œuvre, et vous le ferez, certainement, de manière à honorer le mandat que la nation vous a confié.

Je vous salue.

Rio de Janeiro, le 7 Mai, 1894.

FLORIANO PEIXOTO.

PROTOCOL between Great Britain and Roumania, explanatory of Section 21 of Article II of the Treaty of Extradition of March 1st, 1893 (Kidnapping and False Imprisonment).—Signed at Bucharest, March 1st, 1894.†*

IN order to avoid the possibility of any misunderstanding arising from the present text of section 21 of Article II of the Treaty of Extradition, concluded between Great Britain and Roumania on the 2nd March, 1893, the undersigned Plenipotentiaries, duly authorized thereto by their respective Governments, have agreed as follows:—

The fact of having kidnapped or falsely imprisoned one or more persons will not admit of a requisition for extradition being made unless the act shall have been committed by private individuals. No such requisition can be made as against public functionaries who may have been guilty of the act in question while in the performance of their duties.

The present Protocol shall be considered as approved and sanctioned by the respective Governments without any special ratification, by the sole fact of the exchange of the ratifications of the Treaty to which it refers.

Done in duplicate at Bucharest, the 1st day of March, in the year of our Lord 1894.

(L.S.) JOHN WALSHAM.

(L.S.) AL. LAHOVARI.

* Vol. LXXXV, page 69.

† Signed also in the Roumanian language.

ACT of the Government of Newfoundland, to continue for a further period "The Newfoundland French Treaties Act."

[56 Vict., c. 21.]

[May 24, 1893.]

WHEREAS the Act passed in the fifty-fourth year of the reign of Her present Majesty, cap. 16, entitled "The Newfoundland French Treaties Act,"* is, in so far as it is in force, temporary in its nature, limited to expire at the end of 1893;

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of the said Act:

Be it therefore enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

1. The Act passed in the fifty-fourth year of the reign of Her present Majesty, cap. 16, entitled "The Newfoundland French Treaties Act," and every clause, matter, and thing therein contained, shall be continued until the 31st day of December in the year 1895, and no longer.

ACT of the Government of Newfoundland, to amend 55 Vict., cap. 2, entitled "An Act to regulate the Prosecution of the Seal Fishery."†

[56 Vict., c. 23.]

[May 24, 1893.]

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

1. Section 1 of the Act 55 Vict., cap. 2, entitled "An Act to regulate the Prosecution of the Seal Fishery," is hereby repealed, and the following substituted therefor:

No steamer shall leave any port of Newfoundland or its dependencies for the prosecution of the seal fishery before the hour of 2 of the clock in the afternoon of the 10th day of March in any year, under a penalty of 4,000 dollars, to be recovered from the owner, master, or other person on whose account such steamer shall have been sent to such fishery: Provided that in the event of the said 10th day of March falling on Sunday, any steamer may leave port for such fishery at any time after 2 o'clock in the afternoon of the previous day.

2. Section 6 of the said Act, 55 Vict., cap. 2, is hereby repealed, and the following substituted therefor:

No officer of Her Majesty's Customs in this Colony shall clear

* Vol. LXXXIII, page 154.

† Vol. LXXXV, page 543.

any steamer for a sealing voyage from any port of Newfoundland or its dependencies before the 9th day of March in any year: Provided that in the event of the said 9th day of March falling on Sunday, such steamer may be cleared on the preceding Saturday.

ORDINANCE of the Government of British Guiana, to make provision for the Preservation of the Rights of certain Persons who have been, by special Enactments, made Naturalized Subjects of Her Majesty in this Colony.

[No. 9.]

— [September 15, 1894.]

WHEREAS it is expedient, for the purposes of a new edition of the Statute Laws of the Colony, to repeal various Ordinances which have been enacted for the purpose of making certain persons naturalized subjects of Her Majesty in this Colony and at the same time to preserve the rights of such persons:

Be it therefore enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited as “The Naturalized Persons (Preservation of Rights) Ordinance, 1894.”

2. The Ordinances mentioned in the First Schedule to this Ordinance are hereby repealed.

3. Notwithstanding such repeal, the persons for whose naturalization as subjects of Her Majesty in this Colony the said Ordinances were enacted, and whose names are set forth in the first column of the Second Schedule to this Ordinance, shall respectively be deemed to have been, from the dates set opposite to their names in the second column of the said Schedule, or, where no dates are stated, from the dates of taking the oath required by law, and shall respectively continue to be, for all intents and purposes, naturalized subjects of Her Majesty in this Colony, and transmit to their descendants and those claiming by or through them respectively all rights and capacities which a natural-born subject of Her Majesty can enjoy or transmit.

SCHEDULES.

THE FIRST SCHEDULE.

Table of Ordinances repealed.

No. and Year of Ordinance.	Title of Ordinance.	Date.
No. 23 of 1858 ..	An Ordinance to naturalize Johannes Hermannus Van Tussenbrock.	February 26, 1859.
No. 24 of 1858 ..	An Ordinance to naturalize José Victorino de Freitas.	February 26, 1859.
No. 7 of 1861 ..	An Ordinance to naturalize Manoel de Nobrega.	September 11, 1861.
No. 19 of 1861 ..	An Ordinance to naturalize José Fernandes.	November 9, 1861.
No. 7 of 1862 ..	An Ordinance to naturalize Sylvester Gomes.	August 13, 1862.
No. 8 of 1862 ..	An Ordinance to naturalize François Dannett.	August 13, 1862.
No. 16 of 1863 ..	An Ordinance to naturalize Manoel Correa.	February 13, 1864.
No. 17 of 1863 ..	An Ordinance to naturalize Manoel de Souza Coelho.	February 13, 1864.
No. 7 of 1864 ..	An Ordinance to naturalize Hierome Opie Cloughton.	April 6, 1864.
No. 8 of 1864 ..	An Ordinance to naturalize Miguel Rodrigues de Santos.	April 6, 1864.
No. 1 of 1868 ..	An Ordinance to naturalize Antonio Gonsalves.	April 29, 1868.
No. 5 of 1870 ..	An Ordinance to naturalize José de Mendonça.	July 13, 1870.
No. 6 of 1870 ..	An Ordinance to naturalize James Gomes.	July 13, 1870.
No. 17 of 1875 ..	An Ordinance to naturalize Edmond Auguste Edward Finckenstadt.	March 11, 1876.
No. 9 of 1877 ..	An Ordinance to naturalize Benjamin Elie Colaço Belmonte.	June 5, 1878.
No. 2 of 1879 ..	An Ordinance to relieve Benjamin Elie Colaço Belmonte from any disability incurred by him by reason of his not having taken the oath prescribed by Ordinance 9 of the year 1877 within the period therein limited.	February 1, 1879.
No. 1 of 1888 ..	An Ordinance to naturalize Fortunato Pietro Luigi Josa.	May 23, 1888.

THE SECOND SCHEDULE.

List of Persons Naturalized.

Name of Person Naturalized.	Date of Naturalization.
Johannes Hermannus Van Tassenbroek.	
José Victorino de Freitas.	
Manoel de Nobrega.	
José Fernandes.	
Sylvester Gomes	October 21, 1862.
François Dannett.	
Manoel Correa	March 2, 1864.
Manoel de Souza Coelho.	
Hierome Opie Claughton	June 13, 1864.
Miguel Rodrigues de Santos	June 14, 1864.
Antonio Gonsalves	May 14, 1868.
Edmond Auguste Edward Finckenstadt	May 12, 1870.
Benjamin Elie Colaço Belmonte	August 20, 1878.
Fortunato Pietro Luigi Josa	June 22, 1888.

I assent.

C. C. LEES, *Governor.*

ACT of the Government of Western Australia, to amend the Law relating to Patents, Designs, and Trade-Marks, and to provide for International and Intercolonial Arrangements with regard to the same.

[58 Vict., No. 4.]

[Assented to, October 10, 1894.]

WHEREAS by section 103 of the Act of the Imperial Parliament of the United Kingdom of Great Britain and Ireland called "The Patents, Designs, and Trade-Marks Act, 1883,"* as amended by another Act of the said Parliament called "The Patents, Designs, and Trade-Marks Amendment Act, 1885,"† it is enacted as follows (that is to say):—

(1.) If Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such State shall be entitled to a patent for his invention, or to registration of his design or trade-mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the date of the application in such foreign State.

* Vol. LXXIV, page 211.

† Vol. LXXXVI, page 49

Provided that his application is made, in the case of a patent, within seven months, and in the case of a design or trade-mark within four months from his applying for protection in the foreign State with which the arrangement is in force: Provided that nothing in this section contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the actual acceptance of his complete specification or the actual registration of his design or trade-mark in this country (as the case may be).

(2.) The publication in the United Kingdom or the Isle of Mau, during the respective periods aforesaid, of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade-mark, shall not invalidate the patent which may be granted for the invention or the registration of the design or trade-mark.

(3.) The application for the grant of a patent or the registration of a design or the registration of a trade-mark under this section must be made in the same manner as an ordinary application under this Act: Provided that in the case of trade-marks, any trade-mark, the registration of which has been duly applied for in the country of origin may be registered under this Act.

(4.) The provisions of this section shall apply only in the case of those foreign States with respect to which Her Majesty shall from time to time, by Order in Council, declare them to be applicable, and so long only in the case of each State as the Order in Council shall continue in force with respect to that State.

And whereas by section 104 of the said first-recited Act it is further enacted as follows (that is to say):—

(1.) Where it is made to appear to Her Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in this country, it shall be lawful for Her Majesty from time to time, by Order in Council, to apply the provisions of the last preceding section, with such variations or additions (if any) as to Her Majesty in Council may seem fit, to such British possession.

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act; but it shall be lawful for Her Majesty in Council to revoke any Order in Council made under this Act.

Therefore enacted by the Queen's Most Excellent Majesty,

and consent of the Legislative Council and
 ly of Western Australia, in this present
 and by the authority of the same, as
 cited as "The Patents, Designs, and Trade-
 not Act, 1894," and shall come into force
 ry, 1895.

tion of and the Schedule to "The Patent
 1892," and the 55th section of "The Designs
 1884," are hereby repealed.

not affect—

registration of a patent, nor any design or
 granted or registered; nor
 ns, under the sections hereby repealed,
 the coming into operation of this Act for
 of a patent or registration of any design
 h applications may be completed as if this

registration and every design or trade-mark
 registered, or to be granted or registered,
 ing as aforesaid, shall continue to inure for
 be enforceable by the holder or proprietor
 like manner as though this Act had not

Her Majesty is pleased, by Order in Council, to
 the said section 103 of the Imperial Act,
 Designs, and Trade-Marks Act, 1883," to the
 Australia, then any person who has applied for
 tion, design, or trade-mark in England, or
 h the Government of which Her Majesty has
 nder the said section, for mutual protection
 or trade-marks, or any of them, shall be
 for his invention, or to registration of his
 s the case may be) under this Act, in priority
 nd notwithstanding anything contained in
 S," or "The Designs and Trade-Marks Act,
 registration shall take effect from the same
 application in England or such foreign State

on shall be made in the case of a patent
 and in the case of a design or trade-mark
 rom such person applying for protection in
 gn State with which the arrangement is in

is section contained shall entitle the patentee

or proprietor of the design or trade-mark to recover damages infringements happening prior to the date of the actual acceptance of his complete specification, or the actual registration of his design or trade-mark (as the case may be) in Western Australia.

(4.) The publication in Western Australia during the respective periods aforesaid of any description of the invention, or the exhibition therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade-mark, shall not invalidate the patent granted for the invention, or the registration of the design or trade-mark.

(5.) The application for the grant of a patent or the registration of a design or the registration of a trade-mark under this section shall be made in the same manner as an ordinary application under "The Patent Act, 1888," or "The Designs and Trade-Marks Act, 1884" (as the case may be).

(6.) In the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

(7.) The provisions of this section shall, in the case of foreign States, apply only in the case of those foreign States with respect to which Her Majesty from time to time, by Order in Council, declares the provisions of the aforesaid section 103 of the said recited Imperial Act to be applicable, and so long only in the case of each State as such Order continues in force with respect to that State.

4.—(1.) Whenever it appears to the Governor in Council that the Legislature of any British possession has made satisfactory provision for the protection in such possession of inventions, designs, and trade-marks, or any of them, patented or registered in Western Australia, the Governor in Council may, by Order, apply all or any of the provisions of the last preceding section relating to the protection of inventions, designs, and trade-marks patented or registered in England, with such variations or additions (if any) as to the Governor in Council seem fit, to inventions, designs, and trade-marks, or any of them, patented or registered in such British possession.

(2.) An Order in Council under this section shall, from a date to be mentioned for the purpose in the Order, take effect as if the provisions had been contained in this Act; but the Governor in Council may revoke any such Order.

5. In this Act—

"British possession" means any territory or place situate within Her Majesty's dominions and not being or forming part of

United Kingdom or of the Channel Islands or of the Isle of Man; and all territories and places under one Legislature as hereinafter defined are deemed to be one British possession for the purposes of this Act; and

“Legislature” includes any person or persons who exercise legislative authority in the British possession, and where there are local Legislatures as well as a central Legislature means the central Legislature only.

6. In this Act and “The Patent Act, 1888,” and the Schedules thereto, unless the context otherwise requires—

The terms “true and first inventor,” “true inventor,” and “inventor” shall, to the extent that the context does not express, include the person who is the actual inventor of any invention or his assigns, or if the actual inventor be dead his legal representatives, or (if the actual inventor, his legal representatives or assigns, is or are not resident in Western Australia) any person to whom such invention has been communicated by the actual inventor, his legal representatives or assigns, but shall not include a person importing an invention from any other Colony or country without the authority of the actual inventor, his legal representatives or assigns.

7. Section 7 of “The Patent Act, 1888,” is hereby repealed, and the following provisions shall be substituted therefor :—

(1.) Any person, whether a British subject or not, may make an application for a patent.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

(3.) An applicant may be—

(a.) The actual inventor; or

(b.) His assigns; or

(c.) The actual inventor jointly with the assigns of a part interest in the invention; or

(d.) The legal representatives of a deceased actual inventor or of his assigns; or

(e.) Any person to whom the invention has been communicated by the actual inventor, his legal representatives or assigns (if the actual inventor, his legal representatives or assigns, is or are not resident in Western Australia).

8. Sub-section (2) of the 8th section of “The Patent Act, 1888,” is hereby repealed, and the following provisions shall be substituted therefor :—

An application must contain a statutory declaration by the applicant, or in the case of a joint application by one of the applicants, to the effect that the applicant, or one or more of the applicants, is or are in possession of an invention whereof the applicant or one or more of the applicants claims or claim to be the true an

inventor or inventors, and for which the applicant or applicants desires or desire to obtain a patent, and must be accompanied either a provisional or complete specification, and must state an address in Perth for the reception of notices and other communications with respect to the application or invention.

9. All patents granted before the passing of this Act to any person within the meaning of "the true and first inventor" defined by this Act, shall be deemed to have been duly granted and shall be of full force and effect from the date of the sealing of the same, notwithstanding that such person was not legally entitled to apply for a patent under "The Patent Act, 1888."

10. Sub-section (2) of the 14th section of "The Patent Act, 1888," is hereby amended by omitting the word "applicant" and inserting in lieu thereof the words "person giving such notice."

11. The provisions of this Act, so far as they relate to patents shall be incorporated and read with "The Patent Act, 1888," and so far as they relate to designs and trade-marks with "The Designs and Trade-Marks Act, 1884."

In the name and on behalf of the Queen, I hereby assent to this Act.

W. C. F. ROBINSON, *Governor*.

ACT of the Government of Natal, to provide for granting Letters of Administration in Natal, and for the Recognition of Letters of Administration granted in other Countries, and to amend the Law relating to Foreign Probates.

[No. 19.]

[July 7, 1894.]

WALTER HELY-HUTCHINSON, *Governor*.

WHEREAS it is expedient to make provision for the granting of letters of administration and for the recognition in this Colony of letters of administration granted in other countries, and to amend the practice relative to the registration of exemplified copies of foreign wills:

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as "The Letters of Administration and Foreign Probates Act, 1894."

2. In this Act—

"Letter of administration" shall include every document issued and delivered, or a copy of every such document duly certified, un-

and by which document any person or body corporate shall be authorized and empowered to act as the personal representative of any deceased person or as executor or administrator testamentary, either of the whole estate of any deceased person which shall be legally situate in the State in which such letters have been granted, or of so much of such estate so situate as consists of immovable, movable, real, or personal property, as the case may be.

“Foreign letters of administration” means letters of administration or copies thereof issued or certified by any Court or authority having authority in matters of probate in any country to which the second part of this Act applies.

“Country” includes a State, Colony, or possession.

“British Consular Court” means any British Court having jurisdiction under an Order in Council made in pursuance of any Imperial Act.

“Foreign will” means an exemplified copy, registered under Section 13 of Law No. 5, 1868, of a will or codicil proved out of Natal.

Part I.—*Letters of Administration granted in Natal.*

3. The Registrar of Deeds shall upon probate of any will or codicil, in addition to the certificate of probate and registry required by Law No. 5 of 1868, grant letters of administration to the executor or trustee or other person appointed by such will or codicil to administer the estate of such testator.

4. The estates of all persons dying testate, in so far as the same shall be situate within this Colony, shall be administered and distributed under and by virtue of letters of administration to be granted by the Registrar of Deeds in the form, as near as may be, contained in the Schedule annexed hereto, marked (A), to the person or persons appointed by such will or codicil to administer the estate of such deceased testator.

5. No tutor or guardian testamentary shall assume or enter upon the administration or management of the estate or property of any minor, except in so far as may be necessary for the preservation and safe custody of the same, until letters of administration shall have been granted to him by the Registrar of Deeds in the form contained in the Schedule hereto annexed marked (B).

6. The Registrar of Deeds shall, upon probate of any will or codicil, and thereafter from time to time as may be necessary, grant letters of administration as tutors or guardians testamentary in favour of persons who shall have been lawfully nominated and appointed tutors or guardians testamentary to any minor by a such will or codicil, as aforesaid, and whenever it shall come to

knowledge of the said Registrar that the person who has been nominated and appointed tutor or guardian testamentary by any will or codicil has not applied for letters of administration, the Registrar shall, by writing, require such person to inform whether he is willing to act as such tutor or guardian testamentary and, if he shall consent so to do, shall grant him letters of administration accordingly, and if he shall refuse so to do, then the Registrar shall inform the Master of the Supreme Court accordingly in order that the necessary steps may be taken for the appointment of a tutor or guardian dative: Provided always that letters of administration as tutor or guardian testamentary shall not be granted to any person who shall at the time be by law incapacitated or disqualified to hold the office of tutor or guardian.

7. No letters of administration shall be granted under the foregoing sections until all stamps, fees of office, duties and security, any, required by law, or by Rule of Court made as hereinbefore provided, shall have been paid and given.

8. No person shall be entitled or qualified to act as an assessor, substituted, or surrogated executor, trustee, tutor, or guardian, until letters of administration shall have been granted to him by the Registrar of Deeds, who is hereby required to grant the same on production to him of the will, codicil, or other deed by which such assumption, substitution, or surrogation is authorized, and of a deed by which such executor, trustee, tutor, or guardian has been assumed, and upon any such assumption, substitution, or surrogation the Registrar of Deeds shall issue, or cause to be issued, letters of administration or confirmation as near as may be in the form provided in Schedules (A) and (B) respectively.

Part II.—*Foreign Letters of Administration.*

9. Whenever the Governor shall, by Proclamation, declare that the Legislature of any country has made proper provision for recognition of letters of administration granted in Natal, this Part shall apply to such country.

This Part shall cease to so apply if and when the Governor shall, by Proclamation, declare that such provision no longer exists in the named country.

10. Whenever letters of administration granted in any country to which this Part applies shall be produced to, and a copy thereof deposited with, the Registrar of Deeds of this Colony, such letters may be signed by the Registrar, and shall thereupon be of like force and effect, and have as full operation in this Colony, with respect to the entire estate of the deceased here situate, as though the

letters had been letters granted by the said Registrar: Provided, however,

(1.) That the Registrar of Deeds shall not sign any such letters so produced, in case any letters of administration shall have been already granted by him in respect of the estate of any deceased person which shall be situated in this Colony.

(2.) That before any such letters are signed, the same stamps, fees of office, duties, and security, if any, shall, in the absence of any rule to the contrary, be paid, discharged, and given by the person authorized and empowered to act by the produced letters of administration, which would be required if the said letters had been granted by the Registrar.

(3.) That in case the Registrar shall refuse to sign any such letters of administration so produced, it shall be lawful for the person thereby authorized and empowered to act, after notice to the Registrar, to make application to the Supreme Court for relief, and thereupon the Supreme Court shall make such order as to justice shall appertain, but no such order shall be inconsistent with the provisions of this Act, or with Rules of Court framed hereunder.

Nothing in this section shall be held to dispense with the necessity for registration or probate of any will or codicil.

11. Whenever this Part shall apply to the United Kingdom, letters of administration granted by a British Consular Court shall be deemed to be granted in a country to which this Part applies.

12. A copy, certified by the Registrar of Deeds, of the copy of any letters of administration deposited with him under the 10th section of this Act, shall be admitted in evidence in all legal proceedings in this Colony, as though such certified copy were the original letters, and a certificate under the hand of the Registrar of Deeds to the effect that he has, in accordance with the said section, signed any letters of administration, authorizing and empowering any person to act thereunder, shall be admitted in all legal proceedings in this Colony as *prima facie* proof of the legal right and title of such person to administer so much of the estate of the deceased person named in such certificate as is situate in this Colony. Every proclamation under this Act shall be laid before the Legislative Council and Legislative Assembly within fourteen days after the meeting of the next Session of Parliament after its publication.

Part III.—*Foreign Probates and Miscellaneous Provisions.*

13. Whenever a foreign will shall be registered the Registrar of Deeds shall indorse thereon a certificate in the form of Schedule (C) of this Act.

The Registrar of Deeds shall make, certify, and file a copy of

registered will, and shall return the will to the person by whom it was proved.

14. The filed copy of a foreign will shall, for the purpose of issuing certified copies within the meaning of section 9 of the Act No. 5, 1868, be deemed to be an original will.

15. So far as relates to wills registered under section 13 of the Act No. 5, 1868, that Law and this Act shall form one Act.

16. The executor or trustee of any proved will to which the first or second Part of this Act may apply shall be empowered to apply by power of attorney, an agent in this Colony to do any special business which the executor or trustee may himself be required or entitled to do under any such will.

17. The Supreme Court may from time to time make Rules for the Court regulating the procedure and practice, including rules as to fees, costs, and security, to be observed in and about the carrying out of the provisions of this Act, and all such rules shall come into operation from the date of their proclamation in the "Natal Government Gazette."

Given at Government House, Natal, this 7th day of July, 1868.
By command of his Excellency the Governor.

JOHN ROBINSON, *Colonial Secretary*

SCHEDULE (A).

Letters of Administration.

THIS is to certify that *A. B.* has been duly appointed executor testamentary [and (or) trustee, *as the case may be*], and is hereby appointed as such to administer the estate of *C. D.*, deceased, subject to the terms of his [or her] will, dated

Pietermaritzburg, the day of , 18 .

Registrar of Deeds

SCHEDULE (B).

Letters of Administration granted to Tutor or Guardian.

THIS is to certify that *A. B.* has been duly appointed and is hereby authorized to act as tutor or guardian testamentary of *C. D.* and *E. F.** and the will of *G. H.*, subject to the terms of his [or her] will, dated

Pietermaritzburg, the day of , 18 .

Registrar of Deeds

* Where any person is appointed executor, trustee, or the like, for a limited time only, the said Form shall be altered accordingly.

SCHEDULE (C).

Certificate of Probate of a Foreign Will.

THE foregoing document was this day duly proved before me, under the provisions of section 13 of Law No. 5, 1868, amended by Act No. , 1894, as the last will and testament of *A. B.*, of , in the country of

Dated at Pietermaritzburg, Natal, the day of , 18 .

LAW of the Government of Cyprus, to regulate the Enrolment of Advocates to practise before the Courts of Cyprus.

[No. 12.]

[May 29, 1894.]

WALTER J. SENDALL.

WHEREAS it is expedient to amend the Law regulating the enrolment and admission of persons to practise as Advocates before the Courts of Cyprus :

Be it therefore enacted by his Excellency the High Commissioner and Commander-in-chief of the Island of Cyprus, with the advice and consent of the Legislative Council thereof:—

1. From and after the passing of this Law no person shall be enrolled as an Advocate to practise before the Courts in Cyprus until he shall have obtained the certificate of the Legal Board as hereinafter provided.

2. There shall be hereby constituted a body of persons, hereinafter referred to as the "Legal Board," whose duties shall be to receive and decide upon applications from persons desiring to be enrolled as Advocates, to conduct examinations of such persons from time to time, and, subject to the provisions hereinafter contained, to give to such persons the certificates hereinafter mentioned.

3. The Legal Board shall be constituted of the following persons, that is to say (1), the persons for the time being filling the offices of Chief Justice, Puisne Judge, and Queen's Advocate respectively, and of such Judges of the District Courts and Advocates who have been enrolled under the provisions of clause 176 of "The Cyprus Courts of Justice Order, 1882," or who shall be hereafter enrolled under the provisions of this Law, as the High Commissioner in each year may appoint: Provided that the number of persons so to be appointed in any year shall not exceed three, and that if any vacancy amongst the persons so appointed occurs by death, resignation, or by reason of any such person becoming incapable of acting as a member of the Legal Board during

part of the period for which he is appointed, the High Commissioner shall appoint another qualified person to fill such vacancy; provided that the Legal Board shall be deemed to be duly constituted, notwithstanding any such vacancy, and notwithstanding any person appointed by the High Commissioner to act as a member of the Legal Board shall neglect or refuse so to act during any portion of the period for which he was so appointed.

4. Any person desiring to be enrolled as an Advocate who satisfies the Legal Board (1) that he has attained the age of 21 years; (2) that he is of good character; (3) that he has obtained a diploma of any University or Law School of Great Britain, Ireland, France, Italy, Greece, Malta, Constantinople, Russia, Austria, Germany, Switzerland, the United States of America, Sweden or Norway, Belgium, Holland, or Denmark; and (4) that he has passed six months in the office of an Advocate who has been enrolled under the provisions of clause 176 of "The Cyprus Courts of Justice Order, 1882," or who shall have been enrolled under the provisions of this Law, or that he has during a period of twelve consecutive months attended one-half of the sittings of a District Court, and who has passed an examination in the principles of Ottoman Law and Cyprus Statute Law as defined by "The Cyprus Courts of Justice Order, 1882," and in the Rules regulating the procedure of the Courts in Cyprus, to the satisfaction of the Legal Board, shall be entitled to receive from the Legal Board a certificate stating that such person is qualified to be enrolled as an Advocate.

5. Every person who has been granted a certificate of the Legal Board shall, on presentation thereof to the Registrar of the Supreme Court, and on payment of the prescribed fee, be enrolled as an Advocate, and be entitled to practise before all the Courts in Cyprus.

Every person so enrolled shall be entitled to receive a certificate under the hand of the Chief Justice and the Seal of the Supreme Court stating that he has been enrolled.

6. Every person who has been duly admitted to practise as a barrister-at-law, or solicitor, or Advocate, or writer to the Signet Office in Great Britain or Ireland, or has been duly admitted to practise as an Advocate before the Courts of France, Greece, Italy, or the Mixed Tribunals in Egypt, or the Courts of the Ottoman Empire in accordance with the provisions of the Law entitled "A Law concerning the Examination of Advocates," and dated Zilhijé 1301, who shall apply to be enrolled as an Advocate in Cyprus, shall be entitled to receive a certificate of the Legal Board if he shall satisfy the Legal Board that he has attained the age of 21 years and is of good character.

7. Any person who has been duly enrolled to practise before

Courts of any country other than those specified in the last preceding clause, or who shall have been enrolled as an Advocate to practise before the Courts of the Ottoman Empire otherwise than in accordance with the provisions of the Law dated Zilhijé 1301, in the last preceding clause mentioned, and who shall satisfy the Legal Board that in order to have been so enrolled he has passed such examination or undergone such course of legal training as, in the opinion of the Legal Board, shall be a satisfactory test of his being possessed of such knowledge of law as to fit him to practise as an Advocate before the Courts of Cyprus, may be granted a certificate by the Legal Board in the same way and on the same conditions as the persons to whom certificates are granted under the last preceding clause, or the Legal Board may, before granting him a certificate, require him to pass the examination mentioned in clause 4 hereof, or to pass an examination in the Rules regulating the procedure of the Courts in Cyprus only.

8. Every person who, at the date of the passing of this Law, was admitted to practise as an Advocate in accordance with the provisions of clause 179 of "The Cyprus Courts of Justice Order, 1882," and who had been so admitted for a period of eight consecutive years prior to the passing of this Law, and every person who, being the holder of a legal diploma, has already practised as an Advocate before any Court in Cyprus for any time whatsoever, shall be entitled, on application, to receive a certificate from the Legal Board, or shall, if he so desire, continue to be admitted from year to year in the same way and subject to the same conditions as heretofore.

9. Every person who at the date of the passing of this Law was admitted to practise as an Advocate under the provisions of clause 179 of "The Cyprus Courts of Justice Order, 1882," and who had not for a period of eight consecutive years been so admitted, may, if he shall so desire, continue to be admitted from year to year in the same way and subject to the same conditions as heretofore, or shall, on passing the examination mentioned in clause 4 hereof, be entitled to receive a certificate from the Legal Board.

10. Any person who shall practise as an Advocate without having been duly enrolled shall be guilty of an offence, and shall, on conviction, for each such offence be liable to a fine not exceeding 10*l*.

11. "Practising as an Advocate" shall mean and include the performance of any of the following acts, that is to say : appearing before any Court or Judge or Officer of any Court, or before any village Judge, and conducting any case or proceeding on behalf of any other person ; attending at the offices of any Court for the purpose of taking any proceeding on behalf of any other per

writing or preparing on behalf of any other person for reward document intended to be presented to any Court or any Judge or Officer of a Court, or to be served upon any party to any action or proceeding to be had or taken before any Court, and to be used in any action or proceeding before any Court or Judge or Officer of Court :

Provided that nothing in this section contained shall be taken to repeal the provisions of clause 180 of "The Cyprus Courts of Justice Order, 1882 : "

And provided also that any person intending to qualify himself as an Advocate under the provisions of this Law, who is attending the office of any Advocate with the intention of obtaining the qualification mentioned in sub-section 5 [? 4] of clause 4 hereof, shall be entitled to attend the offices of any Court or before any Officer of the Court for the purpose of transacting any business for, and to write or prepare any document on behalf of, the Advocate whose office he is so attending :

Provided also that the clerk of any Advocate shall be entitled to copy any document on behalf of the Advocate employing him, and to attend on behalf of the Advocate employing him the offices of any Court for the purpose of causing any document to be filed or to be issued by any Officer of the Court :

And provided also that every Advocate on whose behalf any person or clerk, hereinbefore mentioned, attends to transact business at the offices of any Court, in accordance with the provisions hereinbefore contained, shall have furnished to the Registrar of the Court the name of the person so attending.

12. There shall be kept in the office of every District Court a book in which persons intending to qualify themselves as Advocates under the provisions of this Law, and who are attending the sittings of a District Court in order to obtain the qualification mentioned in sub-section 4 of clause 4 hereof, may enter their names and the date of every occasion on which they so attend the sitting of the Court.

13. Every person who has attended one-half of the sittings of a District Court during a period of twelve consecutive months shall be entitled to receive a certificate under the hand of the Registrar of the Court that he has so attended.

14. The High Commissioner, with the advice and assistance of the Legal Board, may make rules regulating any or all of the following matters, that is to say : the place at which the sittings of the Legal Board shall be held ; the number of members which shall constitute a quorum for the transaction of business ; the number of examinations to be held in any year, and the times at which the examinations shall be held ; the times within which application

persons desiring to be examined shall be made to the Legal Board ; the number of the examiners to conduct such examinations, and by whom they shall be appointed, and the fees to be paid to such examiners, and the remuneration to be paid to any interpreter or interpreters in respect of any examination.

15. The High Commissioner shall have power to appoint such person or persons to act as secretary and interpreter or interpreters to the Legal Board as may appear to him to be necessary or desirable.

16. There shall be payable to the Treasury by every person applying to be examined by the Legal Board a fee of 5*l.*, and by every person on enrolment a fee of 10*l.*

17. No persons shall, after the passing of this Law, be enrolled under the provisions of clauses 176, 178, and 179 of "The Cyprus Courts of Justice Order, 1882."

18. The expression "Court" in this Law shall mean and include the Courts established in Cyprus by "The Cyprus Courts of Justice Order, 1882," and shall not extend to or include the Mussulman religious tribunals known as the *Mehkemé-i-Sherie*.

19. This Law may be cited as "The Advocates' Law, 1894."

Passed in Council this 9th day of May, in the year of our Lord 1894.

C. E. SPENCER, *Clerk of Council*.

ACT of the Government of the Cape of Good Hope, to provide for the Registration of Designs.

[No. 28.]

[Assented to, August 17, 1894.]

BE it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Definitions.

"Registrar" means Registrar of Deeds for the Colony.

"Design," in and for the purposes of this Act, means any design applicable to any article of manufacture or to any substance, artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern or for the shape or configuration or for the ornamentation thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting

bossing, engraving, pressing or stamping, staining, or any other means whatever, manual, mechanical or chemical, separately or combined, not being a design for sculpture.

"Copyright" means the exclusive right to apply a design to any article of manufacture or to any such substance as aforesaid in any class or classes in which the design is registered.

"Proprietor" means the author of any new or original design, unless he executed the work on behalf of another person for a price or valuable consideration, in which case such person shall be considered the proprietor; and every person acquiring for a good or valuable consideration a new and original design or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired and in that extent, but not otherwise.

Register of Designs.

1. A register of designs as defined by this Act and of the proprietors thereof shall be established and kept by the Registrar, and from and after the 1st September, 1894, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any design as defined by this Act until such design is registered in pursuance of this Act.

2. The register of designs shall be *prima facie* evidence of the matters by this Act directed or authorized to be entered therein.

3. There shall not be entered in any register kept under this Act any design or be receivable by the Registrar, any notice of any design so expressed, implied or constructive.

4. Every register kept under this Act shall at all convenient times be open to the inspection of the public subject to the provisions of this Act, and to such regulations as may be prescribed, and every certified copy of any entry in such register shall be given to any person requiring the same on payment of the prescribed fee.

5. Printed or written copies or extracts, purporting to be certified by the Registrar, of or from any documents, register, or other book kept in the Deeds Registry Office under the provisions of this Act shall be admitted in evidence in all courts and in all proceedings without further proof or production of the originals.

6. The Supreme Court may, on the application of any person aggrieved by the omission, without sufficient cause, of the name of any person from any register kept under this Act, or by

entry made without sufficient cause in any such register, make such order for making, expunging or varying the entry as the Court thinks fit, or the Court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

7. The Court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact either upon pleadings or in such other manner as the Court may think fit, and may award damages to the party aggrieved.

8. Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the Registrar.

9. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing which he is authorized by this Act, or any rules and regulations made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, for the matter or thing having been done or left undone.

Registration of Designs.

10. The Registrar may on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in this Colony register the design under this Act, and shall grant a certificate of registration to the proprietor of the design when registered.

11. The same design may be registered in more than one class.

12. The Registrar may if he thinks fit refuse to register any design presented to him for registration, but any person aggrieved by such refusal may appeal therefrom to the Supreme Court, and due notice thereof shall be given to the Registrar. The said Court may make an order determining whether and subject to what conditions, if any, registration is to be permitted.

Copyright in Registered Designs.

13. When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

14. Before delivery or sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration) furnish to the Registrar the prescribed number of exact representations or specimens of the design; and if he fails to do so

Registrar may erase his name from the register, and thereupon his copyright in the design shall cease.

15. Before delivery or sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark or with the prescribed word or words or figures denoting that the design is registered; and if he fails to do so, the copyright in the design shall cease, unless the proprietor shall show that he took all proper steps to insure the marking of the article.

16. During the existence of copyright in a design the design shall not be open to inspection except by the proprietor or a person authorized in writing by the proprietor, or a person authorized by the Attorney-General or by the Supreme Court, and furnishing such information as may enable the Registrar to identify the design, nor except in the presence of the Registrar, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof: Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

17. When the copyright in a design has ceased, the design shall be open to inspection and copies thereof may be taken by any persons on payment of the prescribed fee.

18. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration and the name and address of the registered proprietor.

19. If a registered design is used in manufacture elsewhere than in this Colony, and is not used in this Colony within six months of its registration in this Colony, the copyright in the design shall cease.

20. Where a person becomes entitled by assignment, transmission, or other operation of law to the copyright in a registered design, the Registrar shall, on request and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the copyright in the design in the register of designs as the case may be. The person for the time being entered in the register of designs as proprietor of a copyright in a design shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences

as to or otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, licence or dealing.

Fees.

21. There shall be paid in respect of applications and registrations, and other matters under this Act, the fees set forth in the Schedule to this Act, and such fees shall be paid in stamps.

Rules.

22. The Registrar may, from time to time, with the consent of the Governor, make and when made, alter, annul, or vary such general rules as to the registry of designs, and as to the classification of goods for the purposes of this Act, and generally for the purpose of carrying into effect this Act, as he may deem expedient. Any rules made in pursuance of this section shall be forthwith laid before both Houses of Parliament if Parliament be then sitting, or if not then sitting then within ten days after the then next assembling of Parliament, and shall be of the same validity as if they had been enacted by Parliament: Provided that if either House of Parliament resolve, within one month after such rules have been laid before such House, that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall after the date of such resolution cease to be of any force, without prejudice nevertheless to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

Legal Proceedings.

23. During the existence of copyright in any design,

(a.) It shall not be lawful for any person, without the licence or written consent of the registered proprietor, to apply, or cause to be applied, such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale, to any article of manufacture or to any substance, artificial or natural, or partly artificial and partly natural.

(b.) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this section shall be liable for every offence to forfeit a sum not exceeding 50/.

registered proprietor of the design, who may recover such sum as a liquidated demand under Rule of Court No. 329: Provided that the total sum forfeited in respect of any one design shall not exceed 100*l*.

24. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elects to do so, as an alternative to the remedy in the preceding section mentioned, bring an action for the recovery of any damages arising from the application of any such design, or of any fraudulent or obvious imitation thereof, for the purpose of sale, to any article of manufacture or substance, or from the publication, sale, or exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, such person knowing that the proprietor had not given his consent to such application.

Offences.

25. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in such register, or produces, or tenders or causes it to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of the crime of fraud.

26. Any person who describes any design applied to any article sold by him as registered which is not, shall be liable for every offence to a fine not exceeding 5*l*., to be recovered in any competent Court.

27. A person shall be deemed for the purposes of this Act to represent that a design is registered if he sells the article with the word registered, or any word or words expressing or implying that registration has been obtained for the article stamped, engraved or impressed on or otherwise applied to the article.

Industrial, Intercolonial and International, and other Exhibitions.

28. The exhibition at an industrial, intercolonial or international exhibition, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor of a design or of any article to which a design is applied, or the publication during the holding of any such exhibition of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with, viz. :—

the exhibitor must, before exhibiting the design or article,

or publishing a description of the design, give the Registrar the prescribed notice of his intention to do so, and

(b.) The application for registration must be made before or within six months from the date of the opening of the exhibition.

Short Title.

29. This Act may be cited as the "Registration of Designs Act, 1894."

SCHEDULE.

	£	s.	d.
For every application to register one design, for one or more articles included in one class	0	10	0
For every application to register more than one design for one or more articles included in one class, for each additional design after the first	0	5	0
For every application to register a design in respect of goods in different classes, for every class after the first to which such design is extended, an additional fee of	0	5	0
For the registration of a single design	2	0	0
Where the same person is registered at the same time for the same design in respect of goods in different classes, for the registration of one design in each class after the first, an additional fee of ..	0	5	0
Where the same person is registered at the same time for more than one design for one or more articles included in one class, for the registration of each additional design after the first	1	0	0
On every application to register a subsequent proprietor, in cases of assignment or transmission, the first design.. .. .	1	0	0
For every additional design assigned or transmitted at the same time.	0	5	0
For altering address in the register, for every design	0	5	0
For every entry in the register of a rectification thereof, or an alteration therein, not otherwise charged	0	10	0
For every certificate of registration	1	0	0
For every copy of such certificate	0	5	0
For inspecting register, for every quarter of an hour	0	2	0
On every application to Registrar under section 18 for information as to whether registration still exists in respect of a design	0	5	0
For certified copy of any entry, for first 100 words	0	2	0
Every subsequent 100 words or portion thereof	0	1	0
For the inspection of a design, under section 16	0	5	0
For the inspection of a design, under section 17	0	2	0
For every copy of a design, under section 17	1	0	0
For every amendment of an application for registration of a design ..	0	5	0

ACT of the Government of New Zealand, relating to Foreign Assurance and Insurance Companies.

[No. 29.]

[October 18, 1894.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is “The Foreign Insurance Companies’ Deposits Act, 1894.”

2. In this Act, if not inconsistent with the context—

“Accident insurance” means insurance against personal injury resulting from accident, and insurance under policies or contracts not extending over one year in duration against loss of life by accident;

“Approved securities” mean—

(a.) Government securities of New Zealand or any of the Australian Colonies;

(b.) Debentures issued or mortgages executed by any local authority within the Colony, under any law now or hereafter in force, secured upon general or special rates, or upon real estate within the Colony held in fee-simple;

(c.) Mortgages on the security of any real estate held in fee-simple within the Colony and free from all encumbrances: Provided that no mortgage be accepted as a deposit for a sum exceeding two-thirds of the value of the security therefor;

(d.) Real estate held in fee-simple, or leasehold interests within the Colony and free from all encumbrances;

(e.) Fixed deposits in any bank of issue established by or under any Act of the General Assembly or by Royal Charter, and carrying on business in the Colony: Provided that such deposits be made in and be payable in the Colony;

Or any of such securities;

“Company” means any association, person, or persons, corporate or unincorporate, registered or established for the purpose of carrying on (whether concurrently or not with any other class of business) any one or more of the following classes of insurance business, that is to say: the business of (1) life assurance, or (2) fire and marine insurance concurrently, or (3) fire insurance only, or (4) marine insurance only, or (5) accident insurance, or (6) insurance of any class not hereinbefore mentioned; and includes mutual associations as well as proprietary, but does not include the Government Insurance Department established under “The Government Insurance Act, 1874;”

“Company” means a Company, as hereinbefore defined,

registered or established out of the Colony, and includes a local Company whose chief office is situate out of the Colony ;

“ Life assurance ” includes endowment and annuity contracts, but does not include insurance against loss of life by accident, except where such insurance is effected by policies or contracts extending over a longer period than one year ;

“ Local Company ” means a Company, as hereinbefore defined, registered or established within the Colony.

Part I.—*Life Assurance Companies.*

3. (1.) Every foreign Company which proposes to commence within the Colony after the passing of this Act the business of life assurance, whether conjointly or not with any other class of business, shall, before commencing such life assurance business, deposit with the Public Trustee a sum of not less than 5,000*l.* nor more than 50,000*l.* in cash or approved securities.

(2.) Every foreign Company which at the time of the passing of this Act is carrying on the business of life assurance within the Colony, whether conjointly or not with any other class of business, shall, if it be intended to continue to carry on such life assurance business within the Colony, deposit with the Public Trustee within six months after the passing of this Act a sum of not less than 5,000*l.* nor more than 50,000*l.* in cash or approved securities.

(3.) The cash and approved securities mentioned in sub-sections 1 and 2 hereof shall be calculated according to the scale in the Schedule hereto.

(4.) Every deposit of approved securities made with the Public Trustee under this section shall be deemed to be a compulsory deposit of securities within the meaning and for the purposes of “ The Life Assurance Companies Act, 1873,” which shall be read and construed for all purposes as if the deposits of approved securities required by this section were required by that Act.

(5.) Every such deposit is a deposit under Part I of this Act.

Part II.—*Fire and Marine Insurance Companies.*

4. Every foreign Company which proposes to commence within the Colony after the passing of this Act the business of (a) fire insurance, or (b) marine insurance, or (c) fire and marine insurance, shall, before commencing any such business, and

Every foreign Company which at the time of the passing of this Act is carrying on any such business as aforesaid within the Colony shall, within six months from the passing of this Act,

Obtain from the Public Trustee a certificate, in form t

prescribed by the Governor, authorizing the Company named therein to carry on such business within the Colony for the period of twelve months from the date named in such certificate.

If the Public Trustee shall refuse to grant a certificate, the Company may apply to a Judge of the Supreme Court, who may direct him to issue a certificate, or may make such other order as he may deem just.

5. For the purposes of such certificate every such Company shall furnish to the Public Trustee a statement of its affairs for the period and in the form prescribed as aforesaid.

And the Public Trustee shall grant such certificate upon a Resolution of the hereinafter-mentioned Board that it is satisfied of the financial stability of the Company applying therefor.

6. Such certificate shall continue in force for twelve months only, but a renewal thereof may be granted from year to year in like manner as the original was granted.

7. Save as aforesaid it shall not be lawful for any such Company to carry on any such business within the Colony without such certificate.

Part III.—*Accident and Miscellaneous Insurance Companies.*

8. (1.) Every foreign Company which proposes to commence within the Colony, after the passing of this Act, the business of accident insurance, or insurance of any class not hereinbefore mentioned, shall, before commencing such business, deposit with the Public Trustee the sum of 10,000*l.* in cash or approved securities.

(2.) Every foreign Company which at the time of the passing of this Act is carrying on any such business as last aforesaid within the Colony shall, if it be intended to continue to carry on such business within the Colony, deposit with the Public Trustee, in cash or approved securities, within six months from the passing of this Act, the sum of not less than 5,000*l.* nor more than 10,000*l.*, calculated according to the scale in the Schedule hereto.

(3.) Every such deposit is a deposit under Part III of this Act.

Part IV.—*General.*

9. No foreign Company making the prescribed deposit under any one Part of this Act shall be required to make the prescribed deposit under any other Part thereof.

10. No foreign Company shall be deemed to continue to carry on business in the Colony after a specified date by reason only of

receiving premiums or other moneys, or liquidating liabilities, or doing acts after that date in respect of policies or other contracts granted or made before that date.

11. (1.) If in any case the deposit made by any foreign Company pursuant to sub-section 2 of sections 3 or 8 of this Act, within the time therein limited, do not amount to the maximum sum thereby prescribed, then further deposits shall be made half-yearly thereafter, according to the scale in the said Schedule, as the case may be, until the maximum sum is reached.

(2.) For the purpose of ascertaining the amounts of such further deposits as aforesaid, every such foreign Company shall, until it has deposited the prescribed maximum sum, send in to the Colonial Treasurer half-yearly, from and after the passing of this Act, a return, verified by the statutory declaration of the attorney or agent of the Company within the Colony, showing the total amount covered by all policies current at the end of such half-year, and that amount shall be deemed the "total amount assured by current policies" within the meaning of the Schedule hereto.

12. All cash deposited with the Public Trustee under this Act shall bear interest at the rate of 4 per cent. per annum, and the Public Trustee shall pay the same accordingly.

13. Every foreign Company which has made any deposit with the Public Trustee under this Act shall be entitled to receive from time to time the income arising from such deposit.

14. (1.) Every foreign Company which has made deposit of approved securities with the Public Trustee under this Act may withdraw from his custody any such securities so deposited on depositing with him approved securities of an equal value, and any such substituted securities shall for all purposes be treated as securities originally deposited.

(2.) The Board appointed under "The Public Trust Office Act, 1872," shall, in any case of original or substituted deposit of approved securities, be the sole judge of the value of such securities for the purposes of such deposit, and its decision shall be final and conclusive on the depositor :

Provided that, where such securities consist of real estate, or leasehold interests or mortgages on the security of real estate, the assessment of the actual and improved value of such real estate and leasehold interests made by the Commissioner of Taxes under the provisions of "The Land and Income Assessment Act, 1891," shall be deemed to be the value of such real estate and leasehold interests for the purposes of such deposit.

15. If, whilst any securities are deposited under this Act with the Public Trustee, they be lost, stolen, destroyed, or damaged, the injury sustained by the depositor, or by any other person inter-

therein, shall be made good out of moneys to be appropriated for the purpose by the General Assembly.

16. (1.) Subject to the provisions of this Act, but without prejudice to the special trust in favour of life assurance policies registered, or to be registered, under the provisions of section 9 of "The Life Assurance Companies Act, 1873," the Public Trustee shall, as to every deposit made under this Act, hold the same in trust for policy-holders or claimants in respect of policies or other contracts issued, granted, or entered into in the Colony by the foreign Company making such deposit, whether such policies or contracts have been granted or entered into before or after the passing of this Act:

Provided that the deposit made under any one Part of this Act shall be held in trust exclusively for policy-holders and claimants as aforesaid, in respect of the particular class of insurance business referred to under that Part.

(2.) Until all the obligations of such foreign Company as aforesaid in the Colony in respect of such policies or contracts as aforesaid are cancelled, annulled, or liquidated, such deposit shall not be liable to be attached or levied upon, or be subject to any debts of or claims against such Company, without the previous consent in writing of the Colonial Treasurer, who may give his consent on such terms and conditions as he may think equitable, having regard to the interests of the persons in trust for whom such deposits are held by the Public Trustee.

17. (1.) If any foreign Company which has made any deposit with the Public Trustee under this Act ceases to carry on business in the Colony, such Company may withdraw such deposit—

(a.) On the expiration of six months after service upon the Public Trustee of a notice in writing, duly signed on behalf of the Company, stating that the Company has ceased to carry on business in the Colony, and proposes to withdraw such deposit; and

(b.) On satisfying the Public Trustee that from the date of the service of such notice the Company has not, except as to policies or contracts granted or made before such date, carried on business in the Colony; and

(c.) On satisfying the Public Trustee that all the liabilities of the Company in the Colony are fully liquidated or provided for.

(2.) The Public Trustee shall cause every such notice as aforesaid, and also his decision with regard to every such proposed withdrawal, to be published at the cost of the Company in such manner as he may think fit.

18. If any foreign Company makes default in duly and fully complying with any of the requirements of this Act affecting such Company, then in every such case, if no other penalty is elsewhere

expressly provided, such Company, and also its attorney, general agent, and other agent, are respectively and severally liable to a penalty of not more than 50*l.* for every day during which such default continues.

19. If any such default as aforesaid be continued for a period of three months the Colonial Treasurer may, by notice published in the "*New Zealand Gazette*," prohibit the defaulting Company from carrying on business in the Colony either absolutely or for such time as he may declare.

20. If any such foreign Company as aforesaid, or any person as attorney, general agent, or other agent of such Company or otherwise for or on behalf of such Company, after the publication of such notice as last aforesaid, receives any application for insurance, or accepts any premium for insurance, or otherwise carries on the business of such Company within the Colony, then, in addition to, and irrespective of, the penalty specified in section 18 of this Act, such Company and person are respectively and severally liable to a penalty of 100*l.* for each and every act done in breach of this provision.

21. In any action or other proceedings it shall not be necessary to prove that a Company has been incorporated, but it shall be sufficient to show that such Company is carrying on business, or has agreed by the style or description by which it is made a party to any action or other proceedings.

22. All penalties imposed by this Act are recoverable in a summary way.

23. The Public Trustee shall, within thirty days after the beginning of each session of Parliament, prepare and lay before Parliament a statement made up to the date of the beginning of the session, and showing as to each foreign Company making deposit under Part III of this Act the nature and value of the securities so deposited.

24. This Act shall be read with "*The Life Assurance Companies Act, 1873*."

SCHEDULE.

WHERE the total amount assured by current policies does not exceed 100,000*l.*, a deposit of 5,000*l.*; for every additional 100,000*l.* of assurance, an increase of 5,000*l.* in the deposit, until the total sum deposited amounts to 50,000*l.*

*ORDINANCE of the Government of Trinidad and Tobago
to amend the Law of Patents for Inventions, and to provide
for the Registration of Designs and of Trade-Marks.*

[No. 40.]

[19th November, 1894.]

(L.S.) F. NAPIER BROOME, *Governor*.

December 11, 1894.

BE it enacted by the Governor of Trinidad and Tobago, with advice and consent of the Legislative Council thereof, as follows

1. This Ordinance may be cited as "The Patents, Designs, Trade-Marks Ordinance, 1894."

2. The Ordinance numbered 25 of 1867, entitled "An Ordinance for amending the Law for granting Patents for Inventions" hereby repealed, except as to patents registered thereunder before the date of this Ordinance: Provided that the provisions of the Ordinance shall apply to such patents so registered so far as the same are not inconsistent with those of the said Ordinance of 1867: Provided also that as regards all future acts and dealings the provisions hereinafter mentioned shall be substituted for those prescribed in the last-named Ordinance.

3. It shall be lawful for the Governor to appoint a Registrar of Patents, Designs, and Trade-Marks, in this Ordinance called the Registrar, with an office to be called the Registry of Patents, Designs, and Trade-Marks, in this Ordinance called the Registry, and until such appointment be made the Registrar-General shall perform the duties of such Registrar, and the office of the Registrar-General shall be such Registry, and such Registry shall be deemed to be for all purposes within the Department of the Registrar-General.

Part I.—Patents.

4.—(1.) Any person may make an application for a patent.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

5.—(1.) The Registrar on an application by or on behalf of a person claiming to be the inventor or proprietor of any invention, and on the delivery to such Registrar of a declaration in writing according to Form (A) in the First Schedule to this Ordinance, together with a specification in duplicate signed by the applicant or his agent, particularly describing the nature of the invention and in what manner the same is to be performed, and on payment of the prescribed fee, shall deliver to such person or his agent a certificate according to Form (B) in the First Schedule to this Ordinance.

hereinafter called a patent, and a copy of such patent shall be inserted by the Registrar in the "Royal Gazette."

(2.) All drawings, tracings, diagrams, plans, and other exhibits referred to in any specification shall be made on tracing linen or some other such durable material to the satisfaction of the Registrar, and in no case on tracing paper.

6.—(1.) The Registrar shall keep a book at the Registry called "The Register of Patents," and shall record therein, under a distinguishing number and in the order in which application shall have been duly made to him, every such invention, and the Christian and surname of the inventor and the day of the date of the patent, and shall cause every specification to be marked with the distinguishing number of the invention to which the specification refers.

(2.) All assignments, charges, transmissions, amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed, shall be notified to the Registrar, who shall, on sufficient evidence thereof, and on payment of the prescribed fee, note the same in the Register of Patents.

7. Every patent shall vest in the patentee, his executors, administrators, or assigns, and licensees, the sole right and benefit of using within this Colony the invention mentioned in such patent for and during the space of fourteen years next after the granting of such patent: Provided that at any time before the expiration of such period his Excellency the Governor may, in his discretion, extend the same for any period not exceeding seven years, and may in like manner extend such further period to a like extent as often as he shall deem right.

8. Any patentee may, on payment of the prescribed fee, enter with the Registrar a disclaimer or disclaimers of any part or parts of either the title of the invention or of the specification, stating the reason for such disclaimer, or may enter a memorandum of any alteration in such title or specification, not being such disclaimer or such alteration as would make the patentee claim an invention substantially larger than or substantially different from that claimed by the specification as it stood before such amendment; and such disclaimer or memorandum of alteration being filed by the said Registrar shall be deemed and taken to be part of such title or specification: Provided that the foregoing provisions of this section shall not apply to a patent in respect of which an action for infringement or other legal proceeding is pending.

9. Every amendment of a specification shall be advertised in the "Royal Gazette."

10. A patentee may restrain any person from infringing his

patent, and may recover damages for such infringement by action brought in the Supreme Court.

11.—(1.) Revocation of a patent may be obtained on petition to the Court on any of the following grounds, namely :—

(a.) That the patent was obtained by fraud ;

(b.) That the patentee was not the true inventor or proprietor of every invention included in his claim ;

(c.) That anything claimed by the patentee as his invention was publicly manufactured, used, or sold within this Colony before the date of the patent, or included in some prior patent.

(2.) A Petition for revocation of a patent may be presented by—

(a.) The Attorney-General or Solicitor-General of the Colony, or by any person authorized by them or either of them ;

(b.) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ;

(c.) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee ;

(d.) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold within this Colony before the date of the patent, anything claimed by the patentee as his invention.

12.—(1.) In any action or proceeding for the infringement or revocation of a patent the plaintiff or petitioner must deliver with his statement of claim or petition particulars of the breaches complained of or the objections on which he means to rely, and the defendant must deliver with his statement of defence particulars of any objections on which he relies, and no evidence, except by leave of the Court or a Judge, shall be admitted in proof of any breach or objection of which particulars are not so delivered.

(2.) Particulars delivered may be from time to time amended by leave of the Court or a Judge.

(3.) When a patent has been revoked on the ground of fraud the Registrar may, on the application of the true inventor made in accordance with the provisions of this Ordinance, grant to him or to his agent a patent according to the form in the First Schedule to this Ordinance in lieu of and bearing the date as the date of revocation of the patent so revoked, and a copy of such patent shall be inserted by the Registrar in the "Royal Gazette," but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

(4.) No proceeding shall lie for revocation of a patent vested

Her Majesty's Secretary of State for War for the time being except by consent of the Governor.

13.—(1.) A patent shall have to all intents the like effect against Her Majesty the Queen, her heirs and successors, as it has against a subject.

(2.) But the officers or authorities administering any Department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on terms to be before or after the use thereof agreed on with the approval of the Governor between those officers or authorities and the patentee, or, in default of such agreement, on such terms as may be settled by the Governor.

14. If on the petition of any person interested it is proved that by reason of the default of a patentee to grant licences on reasonable terms—

(a.) An invention is not being worked in the Colony;

(b.) The reasonable requirements of the public with respect to the invention cannot be supplied; or

(c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed;

The Court may order the patentee to grant licences on such terms, and may enforce such order in such manner, as it shall think fit.

15. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, the Registrar may at any time cause a duplicate thereof to be sealed.

Part II.—*Designs.*

16. There shall be kept at the Registry a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs and such other matters as may from time to time be prescribed.

17. The author of any new and original design shall be deemed to be the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which

the same may have been so acquired, and to that extent, but not otherwise.

18.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in the Colony, and on payment of the prescribed fee, register the design under this Part of the Ordinance.

(2.) The application must be made in Form (C) in the First Schedule to this Ordinance or in such other form as may be from time to time prescribed, and must be left at the Registry in the prescribed manner.

(3.) The application must contain a statement of the nature of the design and the prescribed class or classes of goods in which the applicant desires that the design be registered.

(4.) The same design may be registered in more than one class.

(5.) In case of doubt as to the class in which a design ought to be registered the Registrar may decide the question.

(6.) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to a Judge in Chambers.

19. On application for registration of a design the applicant shall furnish to the Registrar the prescribed number of drawings, photographs, or tracings of the design sufficient to the Registrar for enabling him to identify the design, and suitable for the official records; or the applicant may, instead of such copies, furnish exact representations or specimens of the design.

20.—(1.) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Ordinance, have copyright in the design during five years from the registration of the design.

(2.) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration) furnish to the Registrar the prescribed number of exact representations or specimens of the design; and if he fails to do so the Registrar may erase his name from the register, and thereupon his copyright in the design shall cease.

21. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words, or figures, denoting that the design is registered, and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to insure the marking of the article.

22.—(1.) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorized in writing by the proprietor, or a person authorized by the Registrar or by the Court, and furnishing such evidence as may enable the Registrar to identify the design, nor except in the presence of the Registrar, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof.

(2.) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

23. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and, if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

24. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

25. During the existence of copyright in any design no person—

(a.) Shall without the licence or written consent of the registered proprietor apply such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale, to any article of manufacture or to any substance artificial or natural, or partly artificial and partly natural;

(b.) Shall publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this section shall be liable for every offence to forfeit a sum not exceeding 50% to the registered proprietor of the design, and such registered proprietor may, by action brought in the Supreme Court, recover either such sum as a simple contract debt, or damages arising from any breach of the said section.

Part III.—*Trade-Marks*.

26. There shall be kept at the Registry a book called the Register of Trade-Marks, wherein shall be entered the names and addresses of proprietors of registered trade-marks, notifications of assignments, charges, and transmissions of trade-marks, and such other matters as may be from time to time prescribed.

27.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of a trade-mark, and on payment of the prescribed fee, register the trade-mark.

(2.) The application must be made in Form (D) in the First Schedule to this Ordinance or in such other form as may be from time to time prescribed, and must be left at the Registry in the prescribed manner.

(3.) The application must be accompanied by the prescribed number of representations of the trade-mark, and must state the particular class of goods or classes of goods in connection with which the applicant desires the trade-mark to be registered.

(4.) The Registrar may, if he thinks fit, refuse to register a trade-mark, subject to appeal to a Judge in Chambers.

28. Where the registration of a trade-mark shall not be completed within twelve months from the date of the application by reason of default on the part of the applicant, the application shall be deemed to be abandoned.

29.—(1.) For the purposes of this Ordinance a trade-mark must consist of or contain at least one of the following essential particulars:—

(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark; or

(c.) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.

Provided that any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures, used as a trade-mark, either in the Colony or elsewhere before the 13th August, 1875, may be registered as a trade-mark.

(2.) There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or of any of them.

30. A trade-mark must be registered for particular goods or classes of goods.

31. When a person claiming to be the proprietor of several trade-marks which, while resembling each other in the material

particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade-marks, they may be registered as a series in one registration. A series of trade-marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade-marks composing a series shall be deemed and treated as registered separately.

32. A trade-mark may be registered in any colour, and such registration shall (subject to the provisions of this Ordinance) confer on the registered owner the exclusive right to use the same in that or any other colour.

33. Every application for registration of a trade-mark under this Ordinance shall, as soon as may be after its receipt, be advertised by the Registrar in the "Royal Gazette" of the Colony.

34.—(1.) Any person may, within three months of the first advertisement of the application, give notice in duplicate to the Registrar of opposition to registration of the trade-mark, and the Registrar shall send one copy of such notice to the applicant.

(2.) Within one month after receipt of such notice or such further time as the Registrar may allow, the applicant may send to the Registrar a counter-statement in duplicate of the grounds on which he relies for his application, and, if he does not do so, shall be deemed to have abandoned his application.

35. On the receipt of such counter-statement, or where each of several persons claims to be registered as proprietor of the same trade-mark, the Registrar may refuse to register any of them until their rights have been determined by the Court.

36.—(1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade-mark, the Registrar shall not register in respect of the same goods or description of goods a trade-mark identical with one already on the register with respect to such goods or description of goods.

(2.) The Registrar shall not register with respect to the same goods or description of goods a trade-mark so nearly resembling a trade-mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

37. It shall not be lawful to register as part of or in combination with a trade-mark any words the exclusive use of which would, by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in an English Court of Justice.

38.—(1.) Nothing in this Ordinance shall be construed to prevent the Registrar entering on the register in the prescribe

manner, and subject to the prescribed conditions, as an addition to any trade-mark, any distinctive word or combination of words, or, in the case of a trade-mark used before the 13th day of August, 1875, in this Colony or elsewhere, any distinctive device, mark, brand, heading, label, ticket, letter, or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made.

(2.) The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to the exclusive use of the same, and a copy of the disclaimer shall be entered on the register.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures, which was or were before the 13th day of August, 1875, publicly used by more than three persons in this Colony or elsewhere, on the same or a similar description of goods, shall, for the purposes of this section, be deemed common to the trade in such goods.

39. The registration of a person as proprietor of a trade-mark shall be *prima facie* evidence of his right to the exclusive use of the trade-mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade-mark, subject to the provisions of this Ordinance.

40. The infringement of a trade-mark may be restrained, and damages for such infringement recovered in an action in the Supreme Court, if such trade-mark has been registered, or if registration thereof in the Register of Trade-Marks has been refused, but in no other case. The Registrar may on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

41. A trade-mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

42.—(1.) The registered proprietor of any trade-mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Ordinance, and the Court may refuse or grant leave on such terms as it may think fit.

(2.) Notice of any intended application to the Court under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application.

(3.) If the Court grants leave, the Registrar shall on proof thereof, and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

43.—(1.) At the expiration of fourteen years from the date of the registration, the trade-mark shall be removed from the register unless the proprietor pays to the Registrar before the expiration of such fourteen years the prescribed fee, and so from time to time at the expiration of every period of fourteen years.

Provided that three months at least before the expiration of such period the Registrar shall give due notice of such approaching expiration to the proprietor of such trade-mark.

(2.) Where after the said three months a trade-mark has been removed from the register for non-payment of the prescribed fee, the Registrar may, if satisfied that it is just so to do, restore such trade-mark to the register on payment of the prescribed additional fee.

(3.) Where a trade-mark has been removed from the register for non-payment of the fee or otherwise, such trade-mark shall, nevertheless, for the purpose of any application for registration during the five years next after the date of such removal, be deemed to be a trade-mark which is already registered.

Part IV.—*General*.

44. There shall not be entered in any register kept under this Ordinance, or be receivable by the Registrar, any notice of any trust expressed, implied or constructive.

45. The Registrar may refuse to grant a patent for an invention or to register a design or trade-mark which is, or of which the use would be, scandalous or contrary to law or morality.

46. Any patent, design, or trade-mark shall be deemed to be registered when the name of any person is entered, as the proprietor thereof, in the Register of Patents, the Register of Designs, or the Register of Trade-Marks, as the case may be.

47. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade-mark, the Registrar shall on request, and on proof of title, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade-mark, in the Register of Patents, Designs, or Trade-Marks, as the case may be. The person for the time being entered in the Register of Patents, Designs, or Trade-Marks, as proprietor of a patent, copyright in a design, or trade-mark, as the case may be, shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided that any equities in respect of such patent, design, or

trade-mark may be enforced in like manner as in respect of any other personal property: Provided also that the priority of all assignments and charges shall, as regards purchasers for value without notice, be determined by priority of registration.

48. Every register kept under this Ordinance shall be *prima facie* evidence of all matters duly entered therein, and every such register and the specification of every registered patent open to the inspection of the public on payment of the prescribed fee, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Registry, of any entry in such register or of any such specification, shall be given to any person requiring the same on payment of the prescribed fee: Provided that whenever any specification or extract includes any tracing, drawing, or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing, or diagram.

49. The Registrar may, on request in writing, accompanied by the prescribed fee,—

(a.) Correct any clerical error in or in connection with an application for a patent, or for registration of a design or trade-mark; or

(b.) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, design, or trade-mark; or

(c.) Cancel the entry or part of the entry of a trade-mark on the register: Provided that the applicant accompanies his request by a statutory declaration made by himself stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade-mark.

50. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorized by this Ordinance, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

51. An order requiring the Registrar to do, or abstain from doing, anything under this Ordinance, may be made by a Judge on a summons in Chambers.

52. In any proceedings under this Ordinance the Court or a Judge, as the case may be, may at any time make such orders for an injunction, inspection, or account, impose such terms, and give such directions as to the order in which the parties shall be heard, and the procedure under this Ordinance generally, as the Court or Judge shall see fit.

53. If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by this Ordinance or by any rules made under

the authority of this Ordinance, then the guardian or committee (if any) of such incapable person, or, if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect of the property of persons under disability, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly as possible corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Ordinance be as effectual as if done by the person for whom he is substituted.

54. The Registrar shall cause to be published during each quarter in the "Royal Gazette" a list of all patents granted, and designs and trade-marks registered, during the preceding quarter, and any further information that he may deem generally useful or important.

55. Copies of the specifications of all registered patents and all registered amendments thereof, and of all published lists of registered designs and trade-marks, shall be transmitted to the Controller of Patents, Designs, and Trade-Marks in England.

56. The Registrar, with the sanction of the Governor, may from time to time make such general rules and do such things as he may think expedient for regulating the practice of registration under this Ordinance, for classifying goods for the purposes of designs and trade-marks, for prescribing the fees to be paid under this Ordinance, or for any other purpose which may be or be deemed necessary for the carrying out of the provisions of this Ordinance; and shall also have power to alter, add to, amend, or revoke any such rules.

Subject to the provisions hereinbefore contained, the fees mentioned in the Second Schedule to this Ordinance shall be paid to the Registrar.

Any rules made in pursuance of this section shall be laid before the Legislative Council, and shall be published in the "Royal Gazette."

57. Any declaration required to be made under this Ordinance may be taken by the Registrar.

58. In this Ordinance—

"Patent" means certificate of registration in the Register of Patents, and includes, whenever not inconsistent with the context, all the rights conferred or evidenced by such registration.

"Patentee" means the person for the time being registered as the proprietor of a patent.

"Invention" means any manner of new manufacture, the subject of Letters Patent and grant of privilege within section 6 of the

Statute of Monopolies, that is, the Act of the 21st year of the of King James the First, Chapter 3, intituled "An Act concerning Monopolies and Dispensations with Penal Laws and the force thereof," and includes an alleged invention.

"Design" means any design applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the purpose or for the shape or configuration, or for the ornament thereof, for any two or more of such purposes, and by whatever means applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or other means whatever, manual, mechanical, or chemical, separately or combined.

"Copyright" means the exclusive right to apply a design to an article of manufacture or to any such substance as aforesaid in any class or classes in which the design is registered.

"Person" includes a body corporate.

"Court" means the Supreme Court of Trinidad and Tobago.

"Judge" means a Judge of the Supreme Court.

"Law Officer" means Her Majesty's Attorney-General or Solicitor-General in this Colony.

"Registrar" shall include any Deputy Registrar or person acting under the authority of such Registrar.

"Registered" means registered in the Register of Patents, the Register of Designs, or the Register of Trade-Marks, as the case may be; and "registration" has a corresponding meaning.

"Prescribed" means prescribed by any of the Schedules or Rules made under the provisions of this Ordinance, or by any other Ordinance applicable to the case.

"Specification" shall include all tracings, drawings, diagrams, and other exhibits referred to in such specification.

"Class" means prescribed class.

"Certified" means certified in accordance with the provisions of the Ordinance No. 9 of 1892.

Passed in Council this 19th day of November, in the year of Our Lord 1894.

CHAS. J. ROOKS, *Acting Clerk of the Council*

THE FIRST SCHEDULE.

FORM (A).

Sub-section (1), Section 5.

Form of Application for Patent.

I, _____, of _____, do solemnly and sincerely declare that I am in possession of an invention for [state the title of the

tion], which invention I believe will be of great public utility, and that the same is not in use by any person or persons in the Colony of Trinidad and Tobago to the best of my knowledge and belief, and that the instrument in writing under my hand herewith delivered particularly describes and ascertains the nature of the said invention, and the manner in which the same is to be performed; and I humbly pray that a patent may be granted to me for the said invention.

I make this declaration conscientiously believing the same to be true and according to "The Statutory Declarations Ordinance, 1879" [*or, as the case may be*, by virtue of the provisions of "The Statutory Declarations Act, 1835"], and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false, or do not believe to be true, I am liable to fine and imprisonment.

Declared at _____, on the _____ day of _____, A.D. 189 .

Before me,

FORM (B).

Sub-section (1) of Section 5.

Form of Patent.

I, *A. B.*, Registrar-General of the Colony of Trinidad and Tobago, do hereby certify that on the _____ day of _____, has been delivered to me by [*or, on behalf of*] _____, of _____, a declaration in writing signed by the said _____, of a certain invention, whereof the said _____ claims to be the inventor or proprietor, being an invention [*state the name of the invention*], together with a specification describing the nature of the said invention and the manner in which the same is to be performed, and that the name of the said _____ has been entered in the Register of Patents as the proprietor of this patent.

In witness whereof I have hereunto put my hand at Port of Spain, in the Island of Trinidad, this _____ day of _____, in the year 189 .

FORM (C).

Sub-section (2) of Section 18.

Form of Application for Registration of Design.

_____ day of _____, 189
 You are hereby requested to register the accompanying _____ design, in Class _____, in the name of _____, of _____, who claims to be the proprietor thereof, and to return the same to

Statement of Nature of Design.

(Signed)

To the Registrar-General, Trinidad.

FORM (D).

*Sub-section (2) of Section 27.**Form of Application for Registration of Trade-Mark.*

(One representation to be fixed within this space,
and two others on separate sheets of foolscap
of same size.)

(Representations of a larger size may be folded,
but must be mounted upon linen and affixed
hereto.)

You are hereby requested to register the accompanying trade-mark in
Class , in the name of , who claims to be the proprietor
thereof.

(Signed)

To the Registrar-General, Trinidad.

THE SECOND SCHEDULE.

Section 56.

	£	s.	d.
On application for a patent or extension thereof	10	0	0
On registration of every disclaimer or amendment	2	0	0
On registration of every assignment, charge, or transmission of a patent	1	0	0
On application for registration of every design	3	0	0
On application for registration, or renewal of registration, of every trade-mark	3	0	0
On restoration to Register (in addition)	1	0	0
On registration of every assignment, charge, or transmission of copy- right in a design, or property in a trade-mark	0	10	0
On publication in "Royal Gazette" of any application, declaration, disclaimer, or other matter required to be published	0	10	0
On every search or inspection of any of the Registers	0	2	0
On inspection of any specification	0	3	0
On every certificate (other than of the correctness of a copy)	1	0	0

*ORDINANCE of the Government of the Straits Settlements for
controlling the Sale and Possession of Fire-arms, Ammunition,
and Gunpowder.*

[No. 8.]

[June 18, 1894.]

C. B. H. MITCHELL, *Governor and Commander-in-chief.*

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Fire-Arms Ordinance, 1894.”

2. In this Ordinance “licensed dealer” shall mean a person holding a licence under section 7 of the Indian Act No. 31 of 1860.

3.—(1.) No person shall take delivery of fire-arms, ammunition, or gunpowder from a licensed dealer without first obtaining a licence authorizing the purchase thereof; such licence shall have force for one month from the date of issue and no longer.

(2.) A licensed dealer shall not deliver to any person fire-arms, ammunition, or gunpowder except upon delivery to him of a licence authorizing the purchase thereof, nor beyond the extent permitted thereby.

(3.) A licensed dealer shall add to the entry of sale required to be made by him by the said Act the number, date, and other particulars contained in the said licence, and shall indorse the same with the date of delivery, and shall return the same within one month to the issuing officer.

(4.) Any person who shall disobey any of the provisions of this section shall be liable, on conviction by a Magistrate, to a fine not exceeding 100 dollars.

(5.) Nothing herein contained shall prevent any licensed dealer from selling to any person having a permit authorizing the possession of fire-arms, any gunpowder or ammunition in reasonable quantities for his private use.

(6.) Any person not being a licensed dealer being possessed of any fire-arms under a permit may deliver the same to any other person who shall have produced to him a permit for the possession thereof, provided that the person delivering the same shall forthwith return his permit to the chief police officer of the settlement, indorsed with a note containing the date of sale and the name, address, and description of the purchaser.

(7.) A licensed auctioneer may sell any fire-arms sent for sale by auction in the ordinary course of business, but shall not deliver the

same to the purchaser thereof until such purchaser has obtained a permit for the possession of the same.

4. No person shall have in his possession or under his control any fire-arms, ammunition, or gunpowder except under a permit and in the manner and to the extent permitted thereby.

5. Any person possessing fire-arms, ammunition, or gunpowder who shall not within a period of three months from the passing of this Ordinance have obtained a permit authorizing him to possess the same, or whose possession thereof shall thereafter have become unlawful in consequence of the expiry, suspension, or cancellation of a permit, shall, without unnecessary delay, deposit the same at the nearest police station. If the owner of anything deposited under this section shall not within six months from the date on which such thing is so deposited produce a permit authorizing him to possess the same and apply for the delivery thereof, such thing shall be forfeited to Her Majesty.

6. Any person who shall be found in possession of any fire-arms, ammunition, or gunpowder after the said period of three months, or after a permit authorizing the possession of the same shall have expired or been suspended or cancelled, shall, on conviction by a Magistrate, be liable to a fine not exceeding 50 dollars, and the article so found shall be confiscated.

7. The chief police officer of a settlement may, for reasons to be first recorded by him, authorize by writing an inspector of police to search any house or the houses in any district within the settlement for any fire-arms, ammunition, or gunpowder, and may in like manner authorize such inspector to require any person or persons living in any such district to produce his or their permit or permits for the possession of fire-arms, ammunition, or gunpowder, and to produce or account for the things covered thereby.

8. If it be proved before a Magistrate that any person has failed to give a satisfactory account to an inspector of police duly authorized in manner aforesaid for any fire-arms, ammunition, or gunpowder in his possession or under his control during the existence of a permit or after its expiry, suspension, or cancellation, such person shall, on conviction by the Magistrate, be liable to a penalty not exceeding 50 dollars.

9. Every permit authorizing the possession of fire-arms, ammunition, or gunpowder shall continue in force until cancelled in manner herein provided.

10. The following fees, which shall be paid in stamps, shall be payable for a licence or permit under this Ordinance:—

(a.) For a licence authorizing the purchase of fire-arms, ammunition, or gunpowder, 5 cents.

(b.) For a permit authorizing the possession of fire-arms, ammunition, or gunpowder, 50 cents.

11. Licences and permits under this Ordinance may be granted by the chief police officer of a settlement, who may for reasons of public safety, to be duly recorded by him, cancel or suspend any licence or permit when granted or refuse any application for the same without assigning any reason therefor.

12. Section 35 of the said Act* shall be amended by the substitution for the remainder of the section after the words "shall be" of the words following:—

"Tried by a Court of two Magistrates, provided that the period of imprisonment which the said Court may award shall not exceed two years."

ORDINANCE of the Government of the Straits Settlements, to consolidate and amend the Law for collecting a Revenue of Excise on Opium and the Preparations thereof.

[No. 9.]

[July 26, 1894.]

C. B. H. MITCHELL, *Governor and Commander-in-chief.*

It is hereby enacted by his Excellency the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Opium Ordinance, 1894," and shall come into operation on a day to be fixed by order of the Governor in Council.

2. The enactments specified in the First Schedule shall be repealed to the extent therein mentioned, but all rules made under any enactments so repealed shall continue in force until superseded by rules made under this Ordinance.

3. In this Ordinance—

"Opium" means any kind of opium not prepared for smoking, chewing, or eating, and includes the leaves or wrappings in which opium balls have been wrapped.

"Chandu" means any preparation of opium or of morphine or of any alkaloid of opium, or of any preparation in which opium or morphine or any such alkaloid forms an ingredient, which preparation is used or intended to be used for smoking, chewing, swallowing, or injecting, and includes "opium dross."

"Opium dross" means the refuse of chandu which has been used for smoking, whether reprepared for use or not.

"Import," with its grammatical variations and cognate expres-

* Indian Act No. 31 of 1860.

sions, means to bring, or cause to be brought, into a settlement either by land or by sea.

"Export," with its grammatical variations and cognate expressions, means to take, or cause to be taken, out of a settlement either by land or by sea.

"Chest" means a package with the opium contained in it, of the size and character generally used by merchants for the importation of opium.

"Ship" means any steam or sailing-vessel, junk, boat, sampan, or any kind of craft used for the conveyance of persons or things by water.

4. Except as hereinafter provided, the exclusive right of making, preparing, selling, and retailing chandu and of selling opium in smaller quantities than one chest at each settlement shall be vested from time to time in such person or persons as the Governor may license for that purpose as farmer after sale, either public or private, of such exclusive rights and on such conditions as shall seem proper for securing the due payment of the rents and revenues for the said rights, for providing equitable arrangements for the management of the opium farm, for regulating the quantity of chandu manufactured, and the price at which it is to be sold to the public, and for the transfer of the stocks of machinery and opium and chandu in the possession of the farmer at or near the end of his term of exclusive rights to the next succeeding farmer.

5. The exclusive rights granted under this Ordinance as regards any settlement shall be called "the opium farm" of that settlement, herein referred to as "the farm," and the person or persons in whom the said exclusive rights may for the time being be vested shall be called the "opium farmer" of that settlement, herein referred to as "the farmer."

6.—(1.) No person in whom such exclusive rights may be vested shall be entitled to use such rights until he has entered into a contract in writing with the Government in the Form (A) No. 1 in the Second Schedule hereto, with such variations and additions (if any) as may be agreed on or the circumstances may require.

(2.) The farmer shall give such security as may seem to the Governor to be sufficient for the due fulfilment of his contract, by mortgage of movable or immovable property or otherwise, and any such mortgage may be in the Form (A) No. 2 in the said Second Schedule hereto or to the like effect, with such variations and additions (if any) as the circumstances may require.

(3.) The Governor may at any time take, sell, dispose of, and realize and transfer by conveyance to be executed by the Colonial Secretary all property so mortgaged as aforesaid, or pledged or deposited as security under this section, without action, suit, or

g, and apply the same or the proceeds of sale thereof as may be required to liquidate any fines, penalties, forfeitures, damages, or losses exist against the farmer during, at, or after the whether the same shall be due to Government or ner.

o such fines, penalties, forfeitures, damages, or geable against the farmer till the same shall have writing, by the Governor.

and other payments due by the farmer or other contract made under the last preceding section be debts of record due to Her Majesty, and shall the suit of the Attorney-General in manner Crown Suits Ordinance, 1876."

n and chandu shall not be imported or exported o or from one of the ports defined under "The ace, 1872."

and chandu shall not be imported or exported by d in any junk or other sea-going Chinese vessel l in accordance with such regulations prescribing route by which it is to travel, the security to be lly as may be issued by the Governor in Council.

ernor in Council may from time to time prohibit um to any place either absolutely or conditionally, restrictions as the Governor may direct.

hereinafter provided, chandu shall not be imported ept the farmer, nor shall the farmer import chandu h conditions and restrictions as the Governor may direct.

y person importing opium by sea shall, before e or any part thereof, deliver to the import and the settlement a requisition in Form (B) in the hereto, giving the particulars therein required ; aid officer shall grant a permit in Form (C) in ale authorizing the landing and storing of such

erson moving opium for exportation shall, before , deliver to the import and export officer of the isition in Form (D) in the Second Schedule hereto, ulars therein required ; whereupon the said officer mit in Form (E) in the same Schedule authorizing e be moved and exported.

erson moving opium from one place to another in hall, before moving the same, deliver to the import r of the settlement and to the farmer a requisition

in Form (F) in the Second Schedule hereto, giving the particulars therein required; whereupon the farmer shall grant a permit in Form (G) in the same Schedule authorizing the said opium to be moved.

(4.) Every such requisition as is required by sub-sections (1) and (2) shall contain the full name and address of the person making such requisition. If the person making such requisition is unknown to the import and export officer, the import and export officer may withhold the permit and shall forthwith give notice of the requisition to the farmer.

If the import and export officer shall not be satisfied that the person making such requisition is a *bona fide* dealer in opium, he may require security in a sum not exceeding the value of the opium referred to in the requisition that the opium will be landed, stored or exported or moved in accordance with the terms of the requisition to be given to him.

(5.) In the event of the arrival at or departure from any of the settlements of any steam-vessel carrying opium at any time when the office of imports and exports is closed or may be closed by reason of the application for a permit can conveniently be made at such office, it shall be lawful for the agent of the said steam-vessel to land or ship any opium without a permit, and to deliver any opium landed to the owners or consignees thereof or to keep the same in his own custody; but so soon thereafter as the office of imports and exports is opened for business the said agent shall apply for a necessary permit by requisition, showing the particulars as required.

10.—(1.) The master of every ship which arrives at any settlement having on board any opium in less quantity than one chest, in parcels of less than one chest, shall forthwith on the arrival of the ship deliver a requisition in Form (B) in the Second Schedule hereto giving the particulars therein required at the office of imports and exports, or if the said office be not at the time open for business then at the chief police station of the settlement.

(2.) Forthwith on the receipt of such notice the import and export officer or the chief police officer at the said station, as the case may be, shall grant a permit in Form (C) in the Second Schedule hereto, addressed to a police officer authorizing him to proceed forthwith on board the ship and take possession of the said opium and bring the same to the said office or station, as the case may be, there to be kept until exported or sold to the farmer, and such order shall be carried out accordingly.

(3.) If and when it is desired to export the said opium, the owner or his agent shall deliver to the import and export officer

a requisition in Form (D) in the Second Schedule hereto, giving the particulars therein required, whereupon the said officer shall grant his permit in Form (E) in the same Schedule, authorizing the export.

11.—(1.) If a ship arrives at a port in any settlement having on board chandu for the use of the crew or passengers on the passage of such ship as sea-stores or as part of her cargo carried for importation at some other port, the master or the person in whose possession, custody or control such chandu may be, shall forthwith on the arrival of such ship deliver a requisition in the Form (B) in the Second Schedule hereto, giving the particulars therein required at the office of imports and exports or at the chief police station if the said office be not then open for business, and the import and export officer or the chief police officer at the said station, as the case may be, shall at once grant a permit, in Form (C) in the said Schedule, addressed to a police officer authorizing and requiring him to proceed forthwith on board the ship and take possession of the said chandu and bring the same to the said office or station, as the case may be, there to be kept until exported or sold to the farmer, and such order shall be carried out accordingly: Provided always that if it shall appear to the farmer that the quantity of any chandu alleged to be part of the sea-stores of such ship is too great for use as sea-stores, he shall be at liberty to take proceedings under this Ordinance.

(2.) Any person offending against or not complying with any of the provisions of this or the preceding section shall be liable to a fine not exceeding 200 dollars.

12. Whenever it shall appear in any proceeding that opium in less quantity than one chest or in parcels of less than one chest, or any chandu, is found in any ship at any settlement one hour after the anchoring, mooring, or staying of the ship within such settlement without a requisition having been delivered to the office of imports and exports or to a police station as hereinbefore provided, or that the chandu on board of the ship on her arrival in the settlement where the proceeding is taken and alleged to be part of the sea-stores of such ship is more than reasonably sufficient for the use of the persons on board as sea-stores during the remaining portion of the ship's voyage, either of such facts shall be taken as *prima facie* evidence from which the Magistrate may infer that the same was unlawfully imported.

13.—(1.) Any ship which shall be used for the importation, landing, removing, carriage, or conveyance of any chandu contrary to the provisions of this Ordinance shall be forfeited, and may be seized and detained by the chief police officer until adjudicated on according to law.

(2.) A ship on board of which chandu is found contrary to the provisions of this Ordinance in amount exceeding 10 lb. weight shall be deemed, until the contrary is proved, to have been so used as aforesaid.

(3.) Proceedings to enforce any forfeiture under this section may be taken in the name of the Attorney-General under "The Crown Suits Ordinance, 1876."

(4.) At any time after the detention of any ship under this section, it shall be lawful for the Governor to release such ship upon such security as he shall think sufficient or without security.

14.—(1.) Every person who shall be desirous of exporting or of selling for exportation opium in less quantity than one chest shall deliver to the officer of imports and exports a requisition in Form (D) in the Second Schedule hereto, giving the particulars therein required; and the said officer shall thereupon cause the quantity of opium specified in the requisition to be obtained from the farmer, who shall always keep on hand a stock of the kinds of opium chiefly in use, and shall supply the same at any price to be agreed upon, but not exceeding 15 per cent. above the market price of the day of the same kind of opium in chests, such market price to be ascertained in every case of dispute by the said officer, whose certificate shall be final and conclusive evidence thereof, and the said officer shall thereupon cause the said opium to be delivered to the person who is to export the same, and shall grant to such person a permit in Form (E) in the same Schedule.

15.—(1.) No permit for the exportation of opium in less quantity than one chest, or for the exportation of chandu imported under section 11, shall be granted till the ship in which the same is intended to be exported shall be ready to proceed to sea.

(2.) Every person who shall receive such permit shall, upon receiving the same within the time named therein, cause such opium or chandu to be conveyed to and placed on board of the vessel mentioned in such permit, and shall procure and deliver to the farmer a receipt for the same, or in case the vessel shall not receive such opium or chandu shall deposit the same forthwith in the farm office or in the office of imports and exports, or at the chief police station, at which place such opium or chandu may be deposited if the said other offices be not open for business.

(3.) If the departure of such ship be delayed beyond one day, the person who shall have received such permit shall give notice of the same at the office of imports and exports, and if the ship does not finally proceed on the voyage the opium or chandu shall forthwith be relauded and deposited in the farm office or in the office of imports and exports, or if the said offices be not opened for business, at the chief police-station.

Except as hereinbefore provided, it shall be unlawful to reland any opium or chandu shipped.

16. Every permit shall, before being used or acted upon, be presented at the farm office, and thereupon the farmer or his agent shall forthwith countersign the same, provided always that if the farmer or his agent be of opinion that the quantity of opium proposed to be exported to any place is in excess of the legitimate requirements of that place, he may refuse to sign a permit for exportation unless and until he receives an order, in writing, from the Colonial Secretary or the Resident Councillor requiring him to sign such permit.

17. No fees shall be charged for any permit required by this Ordinance to be granted by the officer of imports and exports, or for the signature thereto of the farmer or his agent.

18. No person except the farmer shall sell or offer for sale, and no person shall buy except from the farmer, or shall have in or receive into his possession, custody, or control, except in accordance with the provisions of this Ordinance, opium in any quantity less than one chest.

19. No person except the farmer shall make or prepare chandu, or shall sell or offer for sale or permit to be sold or offered for sale, or shall buy or have in or receive into his possession, custody, or control, any chandu other than such as shall have been purchased from the farmer of the then current year or from an opium farm shop-keeper of the settlement of the then current year (the onus of proof of which purchase shall rest upon such person): Provided always that no person who may have bought any chandu from the out-going farmer, or from an opium farm shop-keeper under the out-going farmer, shall be liable to be convicted for having in his possession such chandu not exceeding 3 taahls weight at any time before noon on the third day after the commencement of the new farmer's privileges, and provided also that nothing herein contained shall make it an offence for any person to have in his possession any opium dross produced by him from lawfully purchased chandu.

20. Every person selling chandu under this Ordinance shall, if so required by the purchaser, deliver therewith a certificate setting out the full name and place of residence, quantity of chandu sold, the description of vessel in which the same is placed, the hour and day of sale, and the place to which the same is to be removed for consumption, and any person refusing or omitting to give such certificate, and any purchaser giving a false or incorrect name or place of residence, shall be liable to a fine not exceeding 25 dollars.

21. Every person who shall aid, abet, procure, or be interested

or concerned in or knowingly derive any profit from the importation of any chandu contrary to the provisions of this Ordinance shall be liable for the first offence to a fine not exceeding 1,000 dollars or to imprisonment of either description for any period not exceeding three months, or to both fine and imprisonment, and for the second offence to a fine not exceeding 3,000 dollars or to imprisonment of either description for any period not exceeding six months, or to both fine and imprisonment, and for every subsequent offence to a fine not exceeding 5,000 dollars or to imprisonment of either description for any period not exceeding twelve months, or to both fine and imprisonment.

22. The farmer shall be at liberty at any time not exceeding five times in each month to demand, in writing, from any person having opium in his possession, custody, or control, an account in writing of the opium so held at the time of such demand, and of the marks and numbers upon the chests containing the same, and the farmer or his agent may also at any time between the hours of 6 in the morning and 6 at night, but not oftener than five times in each month, enter the premises where such opium is stored, and inspect the same; and any person refusing to give such account or without reasonable cause shown to permit such entry, or giving a false or incorrect account, shall be liable to a fine not exceeding 500 dollars.

23. If on search authorized under this Ordinance any opium is found to have been imported contrary to the provisions thereof, or to be missing from the place in which it was stored on importation or from the place where according to the permits it ought to be found stored, the person in whose possession such opium so imported may be found, or in whose name such opium so missing shall have been so stored, shall be liable to a fine not exceeding 500 dollars for every chest of opium which shall be found to have been so imported or to be so missing.

24. The foregoing provisions of this Ordinance shall not apply to the sale of opium or chandu for medical purposes by any medical practitioner, chemist, or druggist registered as a person qualified to sell poisons under any Law for the time being in force in the Colony providing for the registration of persons so qualified, nor in the absence of such Law to any sale by any person for the time being authorized, in writing, by the chief medical officer of the settlement to sell opium or chandu for medicinal purposes, or to any opium or chandu in the medicine chests of ships in reasonable quantity.

25.—(1.) Any person desirous of keeping a shop for the sale by retail of chandu otherwise than is hereinbefore provided, may apply to the licensing officer and such licensing officer shall

give notice of every such application to the farmer, and subject to the consent of the farmer may, provided he consider the applicant a proper person and the premises where he proposes to carry on such sale suitable for that purpose, grant a licence in the Form (H) in the Second Schedule hereto for the period of one year or for any lesser period in months, authorizing such person to sell by retail chandu upon the premises in such licence described.

(2.) Any shop so licensed as aforesaid shall be called an "opium farm shop," hereinafter referred to as a "farm shop," and shall be registered in a book to be kept by the licensing officer for the purpose, and "farm shops" shall be only in such numbers and in such situations as the licensing officer shall, with the approval of the Governor, determine.

26.—(1.) A copy of the rules for the time being in force made under section 28 shall be printed in the English, Malay, Chinese, and Tamil languages on the back of every such licence, and the applicant shall sign his name or make his mark in the presence of the licensing officer or his clerk on a printed copy of such rules in English, Malay, Chinese, and Tamil, and such printed copy so signed or marked as aforesaid shall be posted in a conspicuous place in the applicant's farm shop.

(2.) The farmer shall supply free of charge to every farm shop-keeper a signboard of such size and bearing such inscription as may be prescribed by the licensing officer, and such signboard shall be kept affixed to the farm shop in a conspicuous place at the entrance thereof.

27. A fee according to a scale to be fixed for the time being by order of the Governor in Council, but not exceeding the rate of 25 dollars per annum for every such licence, shall be paid to the licensing officer, who shall pay the same into the Treasury.

28.—(1.) The licensing officer at each of the settlements shall from time to time, with the approval of the Governor, make rules for the management of farm shops and for maintaining cleanliness and order therein, and such rules may prescribe amongst other things—

- (a.) The times for opening and shutting the shops ;
- (b.) The signboards or other distinctive marks to be conspicuously exhibited outside such shops ; and
- (c.) The locality and means of access to the shops from the street or road.

(2.) Such rules when made shall be published in the Gazette.

29. The Inspector-General of Police, the chief police officer of the settlement, and all police officers not being under the rank of a sergeant, and revenue officers, having a general authority in the behalf from the said chief police officer, may at all times enter and

examine any farm shop or any shops purporting to be such licensed shops, and inspect the books and stock of articles therein except under this Ordinance.

30. The licensing officer at each of the settlements may, by the sanction of the Governor, cancel the licence of any farm shop-keeper.

31. Whoever commits any of the following offences shall be liable to a fine not exceeding 100 dollars :—

(a.) Opens or keeps a house or shop for the sale by retail of chandu without a licence or without exhibiting a signboard in the manner hereinbefore provided.

(b.) Sells by retail or offers for sale by retail any chandu anywhere than in a farm shop.

(c.) Sells or exchanges chandu otherwise than for European coin.

(d.) Sells or delivers to any European or native soldier opium or chandu without having any authority, in writing, from the commanding Officer of such soldier.

(e.) Knowingly permits any person other than an adult male to smoke chandu in a farm shop.

(f.) Knowingly permits any armed person to be in a farm shop.

(g.) Commits a breach of any of the rules made for the management of farm shops.

32. No opium or chandu shall be sold or disposed of by a farmer or any farm shop-keeper so as to authorize the use of such articles, at any time after noon of the third day after the termination of the farm, under a penalty of 1,000 dollars.

33.—(1.) The farmer at each settlement shall have an office for conducting the business of his farm, to be called the farm office, which shall be situated in such place as may be approved of by the licensing officer, with the approval of the Governor, and shall be kept open for business every day in the year from 6 A.M. to 6 P.M.

(2.) The farmer shall have in attendance at such office during such business hours as aforesaid a person duly authorized to act for him as his agent, who shall be held to represent the farmer for the purposes of the duties imposed on the farmer by this Ordinance.

(3.) Every place other than such office at which the farmer sells retail chandu must be licensed under section 25 hereof.

34. All applications to and service of all notices and proceedings on the farmer relating to matters connected with the farm must be directed to the farmer without giving the name of any person, and shall be made or served at the farm office between the hours

6 A.M. and 6 P.M. on any day in the year, Sundays and public holidays included.

35. In every case in which the farmer shall commence proceedings against any person for an offence under this Ordinance, and the proceeding shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for the prosecution, it shall be lawful for the Magistrate on the complaint of the person proceeded against to award to him such amends as may seem fit, not exceeding in the whole the sum of 100 dollars, to be paid by such farmer.

36. The farmer shall not, either by himself or by the means of any other person, take from any person or on account of any person who may have committed, or may be suspected of or charged with having committed, a breach of any of the provisions of this Ordinance any sum of money or any goods or chattels or other consideration whatsoever as a compromise, reward, or payment for not prosecuting such person.

37.—(1.) The farmer shall, one month before the end of his term of exclusive rights, give public notice in the Form (I) in the Second Schedule hereto that the said term is to expire on the day named in such notice, which shall be the last day of his exclusive rights, and that no opium or chandu purchased from him or from any farm shop-keeper can be used without the consent of the new farmer after noon of the third day next after such date.

(2.) Such notice shall be printed in the English, Chinese, Tamil, and Malay languages, and the farmer shall supply copies thereof to every farm shop-keeper, who shall exhibit the notice in his farm shop in a conspicuous place so as to be plainly visible to every person entering such farm shop.

38. Every fine imposed on the farmer under the provisions of this Ordinance, if not paid at the Court when the same may be imposed, may be recovered by the immediate sale of any property mortgaged, pledged, or deposited with Government by the farmer and his sureties under the farmer's contract with Government.

39. An officer herein referred to as "the licensing officer" shall be appointed by the Governor for each settlement for the purpose of granting licences for farm shops.

40.—(1.) The licensing officer at each of the settlements may grant his warrant in Form (J) in the Second Schedule hereto to such agents or servants of the opium farmer as may be approved of by the said licensing officer to act as revenue officers at the settlement in which they may be appointed; and no person except those so appointed, and except police officers, shall be competent to act as revenue officers under this Ordinance.

(2.) Such warrants may at any time be withdrawn by the licensing officer with the sanction of the Governor.

(3.) Every police officer shall have all the powers and authorities of a revenue officer under this Ordinance.

(4.) Any person other than a police officer assuming to act as a revenue officer under this Ordinance, and not holding a warrant as such, shall be liable to a fine not exceeding 100 dollars.

41. The names and places of residence of every revenue officer so appointed at any settlement shall be posted in a conspicuous place at the chief Police Court of the settlement.

42. Every revenue officer appointed under this Ordinance shall be supplied at the expense of the farmer with a badge bearing the sign or mark of office as may be directed by the licensing officer with the approval of the Governor, and before acting against any person under this Ordinance, every such revenue officer shall display his office and produce to the person against whom he is about to use his said badge. Every police officer acting under the provisions of this Ordinance, if not in uniform, shall, in like manner, display his office and produce to the person against whom he is about to act, such part of his public equipment as the Inspector-General of Police may direct to be carried by police officers when employed on secret or special service.

43. All revenue officers appointed under this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.

44. Every person who shall deliver any requisition, receipt, account, or other written statement required by this Ordinance to be made or delivered, shall sign the same himself unless he be absent from the settlement or unable from sickness to attend to business, in which case the same may be signed by his agent for him; and if any such application, requisition, receipt, account, or other statement shall be false or incorrect either in whole or in part to the knowledge of the person so making, delivering, or supplying the same, whether the same be signed by himself or by his agent, such person shall, in every case not otherwise provided for by this Ordinance, be liable to a fine not exceeding 1,000 dollars for the first offence and 2,000 dollars for every subsequent offence; and such agent shall also and in like manner, if offending, be liable to penalties to the like amount.

45. Any Justice of the Peace for the settlement may, by warrant directed to any police officer not being under the rank of corporal, empower him by day or by night to enter and search any dwelling-house, shop, or other building or place, or any ship or vessel in the settlement, in any case in which it shall appear to such Justice of the Peace upon the oath of any person that there is reason

cause to believe that in any such dwelling-house or other place or on board such ship is concealed or deposited any article subject to forfeiture under this Ordinance, or as to which an offence has been committed against this Ordinance, and to take possession of any such article and of the ship in which the same may be found and of all utensils used for preparing such article, and to arrest any person or persons being in such dwelling-house or other place or on board such ship in whose possession any such article may be found or whom the said officer may have good and sufficient reason to suspect to have concealed or deposited therein or thereabout any such article, and any officer to whom such warrant shall be directed may, in case of obstruction or resistance, break open any outer or inner doors of such dwelling-house or other place, and enter therein, and forcibly enter such ship and every part thereof, and remove by force any obstruction to such entry, search, seizure, and removal as aforesaid, and may detain every person found in such place or on board such ship until the said place or ship shall have been searched; and all informations to be laid, and all warrants to be issued, and all arrests and seizures to be made under this Ordinance may be had or done on a Sunday as well as on any other day.

46. Every police officer not being under the rank of corporal shall have, and at the request of the farmer or his duly authorized agent shall exercise in, upon, or in respect of any ship, wharf, or islet within any settlement all the powers and authorities mentioned in the last preceding section in as full and ample a manner as if he were empowered so to do by the warrant of a Justice of the Peace issued under the said section, and shall further have and at such request as aforesaid exercise the power of searching, and, if necessary, breaking open any box, chest, or package: Provided always that in the event of such search being unsuccessful, the farmer shall repack or cause to be repacked any goods which may have been unpacked during such search, and make good any damage he may have caused thereby. In the event of any dispute as to the amount of damage to be made good by the farmer, such amount shall be ascertained by two Arbitrators, one to be appointed by the farmer and the other by the person whose property is damaged; but if at the expiration of twenty-four hours from the time of such dispute first arising, such amount shall not have been so ascertained from any cause, then and in such case such amount shall be ascertained by the chief police officer of the settlement or some other person to be appointed by him, whose decision shall be final.

For the purposes of this section the term "wharf" shall include any warehouse or any place adjoining a wharf and used in connection therewith.

47.—(1.) It shall be lawful for any revenue officer having a

general authority in that behalf, in writing, from the chief police officer of the settlement at all times to board any ship and to remain on board such ship so long as she remains at any settlement, for the purpose of seeing that the provisions of this Ordinance are observed.

(2.) Such revenue officer may require the master or other person in charge of the ship to exhibit to him any opium or chandu which may be on board of such ship.

(3.) The master of any ship or any other person who shall refuse to allow such revenue officer to board his ship, or who shall in any way molest or interfere with such revenue officer, or who shall refuse to exhibit such opium or chandu to such revenue officer, shall be liable to a fine not exceeding 100 dollars in addition to any other punishment to which he may have rendered himself liable under this or any other Ordinance.

48. Any person found committing, or attempting to commit, an offence, or employing, aiding, or assisting any person to commit an offence against the provisions of this Ordinance may be arrested without warrant by any police or revenue officer, and taken, with any articles found as to which the offence may have been committed or attempted to have been committed, to a police-station, there to be dealt with according to law, and any person suspected to have about his person any article as to which an offence has been committed against the provisions of this Ordinance may be arrested by any police or revenue officer without a warrant, and taken to a police station, there to be dealt with according to law.

49. All convictions and fines and penalties under this Ordinance may be had and recovered in a summary way before a Police Magistrate.

50. All opium or chandu with regard to which any offence has been committed against this Ordinance or against any regulation made, permit granted, or Order in Council issued thereunder, or in respect of which any breach of the restrictions and conditions subject to or upon which any licence has been granted under such Order in Council, together with the utensils, vessels, packages, carts, carriages, and conveyances, in which the same may be found, may be seized by any police or revenue officer, and may be forfeited by a Magistrate.

51. Every omission or neglect to comply with, or act done contrary to, the provisions of this Ordinance or in breach of any regulation made, permit granted, or Order in Council issued thereunder, or in breach of the restrictions and conditions subject to or upon which any licence has been issued under such Order in Council, shall be deemed an offence against this Ordinance, and for every such offence not otherwise specially provided for the

offender shall, in addition to any forfeiture of the articles seized, as hereinbefore provided for, be liable to the following penalties:—

(1.) For every first offence a fine not exceeding 500 dollars.

(2.) For every subsequent offence a fine not exceeding 1,000 dollars, or imprisonment of either description for a term not exceeding six months, or to both fine and imprisonment.

52. The period of imprisonment imposed by a Magistrate in respect to the non-payment of any fine under this Ordinance or in respect of the default of a sufficient distress to satisfy any such fine shall be such period of such description, simple or rigorous, as in the opinion of the Magistrate will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale, viz.:—

Where the fine does not exceed 25 dollars, the period shall not exceed two months;

Where the fine exceeds 25 dollars, but does not exceed 50 dollars, the period shall not exceed four months;

Where the fine exceeds 50 dollars, but does not exceed 100 dollars, the period shall not exceed six months;

With an additional two months for every 100 dollars after the first 100 dollars of the fine until a maximum period of twelve months is reached: Provided always that—

(a.) If, before the expiration of such period of imprisonment, such a proportion of the fine be paid or levied as is not less than proportional to the unexpired portion of such period, the imprisonment shall terminate.

(b.) Where a person is sentenced to both fine and imprisonment, and the fine not being paid is commuted into imprisonment, such imprisonment shall be in addition to the imprisonment ordered by the original sentence.

53. When any person having been already convicted of any offence against this Ordinance is again convicted of an offence against this Ordinance, the imprisonment for such subsequent offence shall, unless otherwise ordered, be cumulative, and shall commence at the expiration of any imprisonment to which such person shall have been previously sentenced.

54. All fines received under this Ordinance, except those imposed by section 31, shall, after the adjudication of a portion of the same not exceeding one-half at the discretion of the Magistrate to the informer, be paid to the farmer, and all articles subject to restriction under this Ordinance seized and forfeited shall be given to the farmer prosecuting the case, except when such articles are declared by the Magistrate to be unfit for use, in which case they shall be destroyed. All ships forfeited under this Ordinance shall, if the Governor in Council so direct be sold, and the proceeds of sale

thereof be paid into the Treasury for the purposes of the Colony, and all fines levied against the farmer shall be paid into the Treasury for the use of the Colony.

55. On any trial before any Magistrate and in any proceeding on appeal in the Supreme Court relating in any of the above cases to the seizure of articles subject to restriction under this Ordinance, it shall be lawful for the Judges of the said Court and for the Magistrates, and they are hereby respectively required, to proceed to such trials and to the hearing of such appeals on the merits of the case only without reference to matters of form, and without inquiring into the manner or form of making any seizure excepting in so far as the manner and form of seizure may be evidence on such merits.

56. Every requisition received and a copy of every permit issued shall be entered in the office of imports and exports at the settlement in a book or books, and the farmer shall be entitled without fee to inspect and take extracts from the books of entry, and the production of any extracts from the said books or of any certificate as to requisitions for and grants of permits certified, or purporting to be certified, under the hand of the Registrar of Imports and Exports of the settlement or his Deputy, shall, on the trial of any person charged with an offence under this Ordinance, be proof of the facts set out in the said extracts and certificates till the contrary be shown by or for the person so charged, and the absence of requisitions and of copies of permits from the said books shall be proof till the contrary is shown in like manner that application has not been made for the permit required, and that the permit has not been issued.

57. It shall be lawful for the Governor to suspend or stop any prosecution or proceeding instituted or proposed to be instituted under this Ordinance, and to direct the refund of the whole or any part of any fine or penalty, and the restoration of any ships ordered to be forfeited and the restoration of the whole or any portion of any articles ordered to be forfeited, to any person from whom the same may have been taken.

58. All actions and other proceedings which may be lawfully brought for anything done, omitted, or intended to be done under the provisions of this Ordinance or of any regulations or Order in Council made thereunder shall be commenced within three months after the accrual of the cause of action and not otherwise, and the provisions of sections 43 to 49, both inclusive, of "The Police Force Ordinance, 1872," shall apply to such actions and proceedings.

59. The provisions of sections 17 and 18 of "The Common Gaming-House Ordinance, 1888," shall be read as part of this Ordinance.

60. It shall be lawful for the Governor to delegate the exercise of the several powers vested in him by this Ordinance to the Colonial Secretary at Singapore and each of the Resident Councillors of Penang and Malacca in his absence from the several settlements respectively.

THE FIRST SCHEDULE.

Enactments repealed.

No. and Year of Ordinance.	Title of Ordinance.	Extent of Repeal.
Ordinance 4 of 1870..	The Excise Ordinance, 1870.	So much as relates to opium chandu or opium dross.
Ordinance 15 of 1871.	The Excise Amendment Ordinance, No. 2 of 1871.	The whole.
Ordinance 6 of 1879..	The Excise Amendment Ordinance, 1879.	Section 1.
Ordinance 4 of 1884..	The Excise Amendment Ordinance, 1884.	The whole, except section 7.
Ordinance 21 of 1886.	The Excise Ordinance, 1886.	The whole so far as it relates to opium chandu or opium dross.
Ordinance 16 of 1890.	The Excise Ordinance Amendment Ordinance, 1890.	The whole.

THE SECOND SCHEDULE.

(A.)

No. 1.

Farmer's Contract under Section 6 of "The Opium Ordinance, 1894."

THIS Contract made the day of , 18 , between A. B., of , &c., of the first part, C. D., of , &c., and E. F., of , &c., of the second part, and the Queen's Most Excellent Majesty of the third part: Whereas the said A. B. has been declared to be the opium farmer of the Settlement of for the term commencing on the day of , 18 , and ending on the day of , 18 , and the said C. D. and E. F. have agreed to become sureties [or, certain real or personal estate has been assigned to Her said Majesty as security by way of mortgage under the provisions of "The Opium Ordinance, 1894," by a deed of even date herewith and made between, &c., or, the sum of dollars has been lodged in the local Treasury as a deposit] for the due fulfilment of this Contract. This Contract witnesseth that all the rights and privileges of opium farmer of the Settlement of , under the provisions of "The Opium Ordinance, 1894," are hereby vested in the said for the aforesaid term. And this Contract also witnesseth that

the said *A. B.* and the said *C. D.* and *E. F.* (hereinafter called the sureties) hereby for themselves, their executors, administrators, and assigns, severally, well as jointly, and every two or more of them, covenant and agree with Majesty Queen Victoria, her heirs and successors, in manner following, that to say :—

1. The said *A. B.* (hereinafter called the opium farmer) will pay to Colonial Treasurer for the time being without demand the sum of dollars monthly on the last day of every month, commencing on the day of the month of , 18 , and ending on the day of the month of , 18 , as the rent of the said opium farm, provided always that if the last day of a month shall be a Sunday, or a public holiday, or a Bank Holiday, such payment shall be due and payable on the day immediately preceding such last day.

2. The opium farmer shall well and faithfully observe, perform, and fulfil the several provisions, conditions, and stipulations contained in the said Ordinance so far as they relate to the management of the said opium farm, or impose any duty or obligation on the opium farmer in as full and ample a manner as if the said provisions, conditions, and stipulations had been incorporated in the said Contract.

3. If the said rent or any part thereof be unpaid for the space of five days after any of the days on which the same ought to have been paid, the opium farmer will pay to the Colonial Treasury interest upon the said rent or so much thereof as shall for the time being be unpaid at the rate of 12 per cent. annum from the day on which the same ought to have been paid to the date of payment.

4. If the said rent or any part thereof be unpaid for the space of ten days after any of the days on which the same ought to have been paid, or in case of the breach of any of the provisions, conditions, and stipulations of the Ordinance so far as they relate to the said opium farm or the opium farmer, then and in either of such cases it shall be lawful for the Governor of the Colony for the time being to determine and put an end to the said rights, privileges and to dispose of the same to other persons, and in the event of loss arising therefrom the opium farmer will make good the said loss to Majesty Queen Victoria, her heirs and successors.

5. The opium farmer will on entering on the privileges of his farm take from the outgoing opium farmer all his stock of excisable articles at the prices as may be settled, subject to the proviso hereinafter contained in case of arbitration in case of difference.

6. The said opium farmer will not at or near the end of the term here provided for prepare more than the usual quantity of chandu, or sell chandu at less than the average current prices of the day, and will not export, or otherwise make away with, or dispose of any of the stock of opium or chandu, or the machinery and vessels required for preparing chandu, but make over to such persons as may be invested with the rights and privileges of the opium farmer of the said Settlement, for the term next after the term here provided for, the full and complete stock of opium and chandu and machinery and vessels required for preparing chandu proper and sufficient for the carrying on of the said farm at the marketable value of the said articles, machinery, and vessels so to be made over.

7. In the event of any difference arising as to quantities of chandu prepared or sold during the last three months of the term and the price thereof, and the nature and quantity of articles, machinery, and vessels so to be purchased

made over and the prices thereof, such difference shall be determined by one or more references by three Arbitrators, one to be appointed by the opium farmer, one by the incoming opium farmer, and one by the Governor, and the award or awards of such Arbitrators, or of a majority of them, shall be final, and the said arbitrations or other settlements shall be held at such time at or before or after the end of the said term as to the Governor may seem reasonable.

8. The chandu sold by the opium farmer shall be of a quality to be approved from time to time by the Government analyst as good and merchantable chandu equal to the standard of the chandu hitherto manufactured and sold in the settlements as farm chandu; and the said farmer will from time to time, whenever called upon by the said analyst to do so, furnish, or permit to be taken for the purpose of analysis, a reasonable quantity of chandu manufactured by him, or sold at any establishment or shop under his control; and the said farmer will not, without the consent in writing of the Governor, sell any chandu in the town at any price exceeding the rate of _____ per *tahil* when sold by the *tahil*, or exceeding the rate of _____ per *chi* when sold by the *chi* or in any quantity less than one *tahil*, or in the country at any price exceeding the rate of _____ per *tahil* when sold by the *tahil*, or exceeding the rate of _____ per *chi* when sold by the *chi* or in any quantity less than one *tahil*.

9. All deposits and securities made or given by or on behalf of the opium farmer shall be held by the Governor till all questions between the opium farmer and Her Majesty Queen Victoria, her heirs and successors, shall be finally disposed of, including matters relating to the preparation or sale of chandu near the end of the term of this Agreement, and in matters relating to the receipt and transfer of chandu machinery and vessels by the said farmer.

10. It shall be lawful for the Governor on breach of any of the covenants in this Contract, such breach and the amount of penalty therefor to be held as proved by indorsement on the back of this Contract by the Governor, stating the breach and the amount of penalty therefor, to sell and dispose of all or any of the said deposits or securities without notice to the opium farmer, or the said sureties, or any of them, and out of the proceeds of such sale and disposition to satisfy and discharge any claims under this Contract against the opium farmer.

11. The rights and privileges hereby vested in the opium farmer shall not be assigned to any other person without the consent in writing of the Governor, and such assignment if so allowed shall not be deemed to relieve the opium farmer, or the said sureties, or any of them, from any liability under this Contract.

12. The said sureties and their executors and administrators may be sued for any breach of this Contract as principals, and with or without the said farmer, his executors and administrators jointly and severally, and any two or more of them.

13. Any forbearance of the officers of Government in endeavouring to obtain payment of the moneys hereby secured, or in putting in force any of the remedies for the same, and any time which may be given to the opium farmer, shall not in any way prejudice or affect the security or benefit of these presents, or the joint and several covenants hereinbefore contained, or the continuing liability of the contractors, or any or either of them, their or his executors or administrators by virtue thereof, any rule of law or equity to the contrary notwithstanding.

14. The word "Governor" as used in this Contract shall include the Officer for the time being administering the Government of the Colony, and any perso

to whom the powers of Governor are or may be delegated under section 6 of "The Opium Ordinance, 1894," so far in the latter case as the exercise of such powers is concerned.

15. And it is hereby further agreed and declared that in case the said rights and privileges shall be determined and disposed of to other persons by Governor under the powers hereinbefore contained, the certificate of the Colonial Treasurer for the time being, stating the amount of the loss arising therefrom, shall be binding on the said farmer and his said sureties, and the amount so certified shall be deemed to be an ascertained amount within the meaning of section 2 of "The Crown Suits Ordinance, 1876," and may be recovered for and recovered accordingly.

Signed, sealed, and delivered at _____, this _____ day of _____ 18____, by the Colonial Secretary, for Her Majesty the Queen, and by _____ farmer, and _____ sureties, in the presence of _____.

(A.)

No. 2.

Form of Mortgage.

I, _____, do hereby assign to Her Majesty Queen Victoria, her heirs and successors, as security for the due fulfilment of the terms of the Contract for the opium farm at _____ for the term commencing the 1st day of _____, 18____, and ending the 31st day of _____ 18____, under "The Opium Ordinance, 1894," all my right, title, and interest in the lands situate in the district of _____, in _____, described in Government (grant or lease) No. _____, dated the _____ day of _____, 18____, and estimated to contain _____, and do hereby make over to Her said Majesty, her heirs and successors, the title-deeds of the said land. In the event of any breach of the covenants in the said Contract by the opium farmer, no proof of which breach or of the amounts of penalties, forfeitures, damages, and losses arising therefrom shall be required further than an indorsement of the same on the back of the said Contract by the Governor or Officer administering the Government of the Straits Settlements for the time being, I do hereby for myself, my executors, administrators, and assigns, authorize the Governor or Officer administering the Government for the time being to sell or otherwise dispose of the land hereby mortgaged, and out of the proceeds thereof to defray the penalties, forfeitures, damages, losses, or other liability to which by the said indorsement the said opium farmer shall have been declared liable, and the balance, if any, to be paid to me, my executors, administrators, or assigns.

In witness whereof I have hereunto set my hand and seal this _____ day of _____, in the year 18____.

Signed, sealed, and delivered in the presence of _____.

(B.)

SETTLEMENT OF

"The Opium Ordinance, 1894."

Requisition to Land under Sections 9, 10, and 11.

To the Import and Export Officer of the Settlement.

SIR,

PLEASE issue a permit to land on the day of 18 ,
 between the hours of A.M. and M. from the ship , which
 arrived on the , [state the quantity of opium, and number,
description, and marks of chests or parcels of opium or chandu], to be stored in
 the [godown, shop, or, house] of , No. , in
 Street, at , or, in the Office of Imports and Exports, or, in the
 chief police station.

Yours, &c.,

, *Importer.*

Date.

(C.)

SETTLEMENT OF

"The Opium Ordinance, 1894."

Permit to Land under Sections 9, 10, and 11.

[is] authorized on the day of , 18 ,
 between the hours of A.M. and M. to land from the ship ,
 [state the quantity of opium, and number and description and marks of chests
 or parcels of opium or chandu], and [is] required to store the same in the
 [godown, shop, or, house] of , No. , in
 Street, at , or, in the Office of Imports and Exports, or, in the
 chief police station of the said Settlement.

, *Import and Export Officer.*

Date.

(D.)

SETTLEMENT OF

"The Opium Ordinance, 1894."

Requisition to Export under Sections 9, 10, and 14.

To the Import and Export Officer of the said Settlement.

SIR,

PLEASE issue a permit to move on the day of 18 ,
 between the hours of A.M. and M. for export by ship ,
 bound for , [state the quantity of opium, and number and
description and marks of chests or parcels of opium or chandu], the same
 having been purchased by me from , in whose [godown, shop,
 or, house], No. , it is now stored, or, the same being now stored in my

godown, shop, or, house at No. _____, or, the same being now stored in my
office, or, at the chief police station [and sold by me to
who is desirous of exporting].

Yours, &c.,

, Exporter

Date. _____

(E.)

SETTLEMENT OF

"The Opium Ordinance, 1894."

Permit to Export under Sections 9, 10, and 14.

[is] authorized to move on the _____ day of
18 _____, between the hours of _____ A.M. and _____ M. for exportation to
by [if by sea give the name of ship, and if by land state the route and mode
conveyance] [*state the quantity of opium, and number and description
marks of chests or parcels of opium or chandu*], the same having been purchased
by the exporter from _____, and being now stored in the [godown
shop, or, house] of _____, situated at _____, or, the same
being now stored in my office [and sold to _____, who is required
export in terms of this permit].

, Import and Export Officer

Date. _____

(F.)

SETTLEMENT OF

"The Opium Ordinance, 1894."

Requisition to Move under Section 9.

To the Import and Export Officer [opium farmer] of the said Settlement.

SIR,

PLEASE issue a permit to move on the _____ day of _____, 18 _____,
between the hours of _____ A.M. and _____ M. [*state the quantity of opium,
number and description and marks of chests or parcels of opium or chandu*]
from No. _____, _____ Street, and from the custody and in the possession
of _____ to the custody and possession of _____ at No. _____
Street.

, Owner or Importer

(G.)

SETTLEMENT OF

"The Opium Ordinance, 1894."

Permit for the Removal of Opium, Section 9.

A. B. is authorized to move _____ chests of [Benares] opium, from
X. Z., from the premises of C. D., in _____ Street [Singapore], to

premises of *E. F.*, in _____ Street [Singapore], and from the custody
or possession of *G. H.* to the custody or possession of *I. K.*
[Singapore] the _____ day of _____ 18 _____
_____, *Opium Farmer*.

A fee of _____ dollars has been
received for this licence.

_____, *Excise Licensing Officer*.

(H.)

SETTLEMENT OF _____

"The Opium Ordinance, 1894."

Farm Shop Licence under Section 37.

_____ is hereby authorized to keep a licensed shop
for the sale of chandu at No. _____, _____ Street,
_____ Town [or in the village or district of], subject to the
rules and regulations in that behalf, which rules and regulations
have been read and explained to the said _____.

This licence to be in operation from _____ to _____.

Given at _____, this _____ day of _____ 18 _____
_____, *Excise Licensing Officer*.

(I.)

SETTLEMENT OF _____

"The Opium Ordinance, 1894."

Notice of Cessation of Farm under Section 37.

NOTICE is hereby given that the exclusive rights of the
farmer at this Settlement will cease on the _____ day of _____, 18 _____,
and that no excisable articles purchased from the present farmer or from any
opium farm shop-keeper can be used after the _____ day of _____ 18 _____,
at noon without the consent of the new farmer.

_____, *Excise Licensing Officer*.

(J.)

SETTLEMENT OF _____

"The Opium Ordinance, 1894."

Appointment of Revenue Officer under Section 40.

_____, of _____, in _____, is hereby
appointed to be a Revenue Officer under "The Opium Ordinance, 1894," and is
duly vested with all the rights, powers, and immunities of such office under the
provisions of said Ordinance.

_____, *Excise Licensing Officer*.

Date.

*TREATY of Commerce and Navigation between German
Russia.—Signed at Berlin, ^{January 29} February 10, 1894.*

[Ratifications exchanged at Berlin, March 20, 1894.]

(Translation.)

His Majesty the Emperor of Russia, on the one part, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the other part, wishing to develop commercial relations between Russia and Germany, have resolved to conclude a Treaty of Commerce and Navigation between the two countries, and have for that purpose named as their Plenipotentiaries:

His Majesty the Emperor of Russia, Count Paul Schouvaloff, his General Aide-de-camp, Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of Germany, King of Prussia; and M. Basile Timiriaseff, his Actual Privy Counsellor of State, Vice-Director of the Department for Commerce and Manufactures in the Ministry of Finance; and

His Majesty the German Emperor, King of Prussia, Leo von Caprivi, his Imperial Chancellor, Minister of State and for Foreign Affairs in Prussia; and Max Baron de Thielmann, his Envoy Extraordinary and Minister Plenipotentiary at Hamburg;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following Articles:—

ART. I.* The subjects ("ressortissants") of one of the contracting Parties established in the territory of the other party, residing there temporarily, shall there enjoy, as regards the exercise of commerce and industry, the same rights as, and shall be subject to no higher or other duties than, national subjects. They shall enjoy in all respects in the territory of the other party the same rights, privileges, immunities, favours, and exemptions as the subjects of the most favoured nation.

It is understood, however, that the above stipulations in no way prejudice the special laws, ordinances, and regulations respecting commerce and police which are or may be in force in either of the two contracting countries, and which are applicable to all foreigners.

II. The subjects ("ressortissants") of each of the two contracting Parties shall have in the territory of the other party the right of acquiring and possessing all such kinds of real and personal property as the laws of the country allow, or may allow, and shall be subject to any foreign Power to acquire and possess. The

* See Final Protocol, page 449.

dispose of such property by sale, exchange, gift, marriage, testament, or otherwise, and acquire it by inheritance on the same conditions as are established for the subjects of any other foreign Power, without being subject in any of the cases mentioned to any dues, taxes, or charges, under whatsoever name, other or higher than those established for national subjects.

They may likewise, so long as they abide by the law of the country, freely export the produce of the sale of their property and their goods generally, without being subject as foreigners to other or higher duties than those which national subjects would have to pay in similar circumstances.

They shall have the right, as long as they abide by the laws of the country, to appear in Courts of Justice either to bring an action or to defend themselves, and they shall in this respect enjoy the same rights and immunities as national subjects, and like these latter they shall have the right to employ in all cases the lawyers, attorneys, and agents of all classes allowed by the laws of the country.

III. The subjects ("ressortissants") of each of the Contracting Parties shall in the territory of the other be exempt from all obligatory official duties, whether judicial, administrative, or municipal, excepting only that of guardianship; from all personal service in the army, navy, land or naval reserve, and national guard, and from all forced military taxes, loans, requisitions, and services in kind of all sorts which may be imposed during war or owing to extraordinary circumstances; but an exception is nevertheless made in the case of charges incumbent on the possession, by whatsoever title, of real property, as well as in the case of obligatory military billets, and other special services in kind for military purposes, to which national subjects and the subjects of the most favoured nation are liable in so far as they own, farm, or rent real property.

IV. Companies having their capital divided into shares ("anonymes"), and other commercial, industrial, or financial Associations domiciled in one of the two countries, shall, provided they have been validly constituted in such country in conformity with the laws in force, be recognized as having a legal existence in the other country, and they shall, in particular, have in that country the right to invoke justice in the Courts of Law, whether for the purpose of bringing actions or for the purpose of defending themselves.

It is, however, understood that the preceding stipulation does not affect the question whether such a Company, constituted in one of the two countries, shall or shall not be admitted to the other country for the purpose of there carrying on its commerce or its industry; such admission shall in all cases remain subject to the provisions which exist or may exist respecting this question in the latter country.

In any case, the said Companies and Associations shall have in the other country the same rights as those which are or may be granted to similar Companies of any other country.

V.* The Contracting Parties engage not to hinder reciprocal commerce between the two countries by any prohibitions of importation or exportation, and to allow free transit, except for routes which are not or may not be open to transit trade.

Exception may only be made in regard to articles which may be, in the territory of the one or of the other of the Contracting Parties, the subject of a State monopoly, and to articles which, for reasons of hygiene, of veterinary police, of public safety, or for other considerations of great weight, are the subject of exceptional measures of prohibition.

VI.* The produce of the soil and industry of Russia imported into Germany, and the produce of the soil and industry of Germany when imported into Russia, and intended either for consumption, for warehousing, for re-exportation, or for other uses, shall be subject to the same treatment, and shall not be subject to duties other or higher than the produce of the nation most favoured in these respects. In particular, every favour, every immunity, every reduction of the import duties of the General or Conventional Tariffs, which one of the Contracting Parties may grant to a third Power, permanently or temporarily, shall immediately and unconditionally be extended to the produce of the soil and industry of the other.

VII.* The articles, produce of the soil and industry of Germany enumerated in Tariff (A) annexed to the present Treaty, shall, on importation into Russia, and the articles, produce of the soil and industry of Russia, enumerated in Tariff (B) annexed to the present Treaty, shall not, on importation into Germany, be subject to duties other or higher than those established by the said Tariffs.

Should one of the Contracting Parties establish a new internal tax or excise levied for the benefit of the State, or an additional such an internal tax or excise, on any article of native production or manufacture coming under Tariff (A) or Tariff (B) annexed to the present Treaty, the same article may, on importation, be subject to an equal or corresponding duty, but on condition that the duty be the same for goods from all countries.

VIII.* The internal taxes, levied for the benefit of the State, of the communes, or of corporations, on the production, manufacture, or consumption of an article in the territory of one of the Contracting Parties, shall not under any pretext fall more heavily or inconveniently on the produce of the other Party than on the articles of home production.

* See Final Protocol, page 449.

IX.* No other or higher export duties shall be levied on produce exported from one of two countries to the other than those levied on the exportation of the same produce to the country the most favoured in that respect. Likewise every other favour granted by one of the Contracting Parties to a third Power in regard to exportation shall immediately and unconditionally be extended to the other.

X.* Merchandise of all descriptions crossing the territory of one of the two countries by a commercial route open to transit shall be reciprocally exempt from all transit dues, whether it pass direct or whether it be unloaded, deposited, and reloaded during transit.

XI.* The following favours are not to be considered as infringing the provisions of the present Treaty:—

1. Favours now granted or which may hereafter be granted to frontier States to facilitate the frontier traffic of a frontier zone up to 15 kilom. in width ;

2. Favours granted by Germany, under the existing Customs Union, to the Grand Duchy of Luxemburg and to the Austrian communes of Jungholz and Mittelberg, to which places the provisions of the present Treaty shall apply ;

3. Favours now granted or which may hereafter be granted in respect to importation or exportation to the inhabitants of the Government of Archangel, or on the northern and eastern coasts of Asiatic Russia (Siberia).

It is further understood that the provisions of Articles VI, IX, and X of the present Treaty do not apply to the special stipulations contained in the Treaty concluded between Russia and Sweden and Norway on the ^{26th April}_{8th May}, 1888,† nor to those which relate or may relate to trade with frontier States and countries in Asia, and that the stipulations in question may not in any case be invoked with the view of altering the relations of commerce and navigation established by the present Treaty between the Contracting Parties.

XII.* Merchants, manufacturers, and other traders proving, by the possession of a licence card issued by the authorities of their country, that they are authorized to carry on a trade in the State where they are domiciled, may, either personally or through commercial travellers in their service, make purchases, and may, whether carrying samples with them or not, seek orders in the territory of the other Contracting Party. The said merchants, manufacturers, and other traders, or commercial travellers shall, in the two countries respectively, be treated, in regard to passports and the payment of taxes on the exercise of trade, on the footing of the most favoured nation.

Traders (commercial travellers) furnished with a licence card may carry samples, but not merchandize. Articles liable to customs

* See Final Protocol, page 449.

† Vol. XXVII, page 779.

duties, imported as samples by the said travellers, shall on both sides be admitted free of import and of export duties, provided the articles in question, if not sold, be re-exported within a period fixed beforehand, and provided there be no question as to the identity of the objects imported and re-exported, and this irrespective of the custom-house through which they leave the country.

The re-exportation of samples shall in both countries be guaranteed either by the deposit of the customs duty or by furnishing security.

Each of the Contracting Parties shall give to the other information as to the authorities charged with the issue of licence cards, as to the form of these licence cards, and as to the provisions to which travellers must submit while following their calling.

The subjects ("ressortissants") of either of the Contracting Parties proceeding to fairs or markets in the territories of the other, in order to follow their calling, or to offer their goods for sale, shall be treated like national subjects, and shall not be subject to higher taxes than those levied on national subjects.

XIII.* German ships and their cargoes shall be treated in Russia, and Russian ships and their cargoes shall be treated in Germany, absolutely on the footing of national ships and their cargoes, whatsoever be the country of departure, or the destination of the ships, and whatever be the origin or destination of their cargoes.

Every privilege and freedom granted in this respect to a third Power by one of the Contracting Powers shall immediately and unconditionally be granted to the other.

Exceptions are made to the above provisions so far as regards—

(a.) The particular advantages which the national fisheries and their produce enjoy, or may enjoy, in either country ;

(b.) The favours now granted, or which may hereafter be granted, to the national merchant navy.

The provisions of the present Treaty do not apply to the coasting trade, which shall continue to be governed by the laws which are or may be in force in each of the two countries. Nevertheless, Russian and German ships may go from a port of one of the two Contracting countries to one or more ports of the same country, either to discharge the whole or part of cargoes coming from abroad, or to take or to complete cargoes for abroad.

XIV. The nationality of ships shall be recognized, on both sides, in accordance with the regulations of each country, from the papers and documents to be carried on board and issued by the proper authorities.

Tonnage measurement certificates issued by one of the Contracting Parties shall be recognized by the other in accordance with

* See Final Protocol, page 449.

the special arrangements concluded or to be concluded between the two Contracting Parties.

XV. German ships entering a Russian port, and, reciprocally, Russian ships entering a German port, which so enter only to complete their cargo or to discharge a part of their cargo, may, if they conform to the laws and regulations of the two countries respectively, keep on board that part of their cargo which is intended for another port either of the same country or of another, and re-export it, without having to pay for the last-mentioned part of their cargo any customs duties other than those payable for guarding, but these shall not be levied at any rate higher than the rate fixed for national ships.

XVI. The following ships shall in either country be wholly exempt from tonnage and clearance charges :—

1. Ships which, entering in ballast from any place whatsoever, leave again in ballast.

2. Ships which, passing from a port in one of the two countries to one or more ports in the same country, can show that they have already paid these charges in another port of the same country.

3. Ships which, having entered a port in cargo, either voluntarily or under stress, leave it without having carried out any commercial operation.

This exemption shall not extend to light, pilotage, towing, quarantine, or other dues which are payable on the vessel for services rendered or apparatus used, and which are established in the interest of traffic, and which are equally payable by native ships, and by those belonging to the most favoured nation.

In cases of entry under stress, the following shall not be considered as commercial operations; unloading and reloading of merchandize in order to repair the ship, transfer to another ship on account of the first ship ceasing to be navigable, expenses necessary for re-equipment of the crew and the sale of damaged goods when authorized by the Customs authorities.

XVII. Should a ship of one of the Contracting Parties be disabled or be wrecked on the coast of the other, such ship shall enjoy, both as regards vessel and cargo, all the favours and immunities which the laws of each of the countries grant respectively to its own ships in similar circumstances. All aid and assistance shall be given to the master and to the crew as regards their persons, the ship, and its cargo.

The Contracting Parties agree that merchandize salvaged shall not be subject to the payment of any customs duty, unless intended for consumption.

XVIII. The subjects ("ressortissants") of each of the Contracting Parties shall reciprocally have a right to use, on the same

conditions and on payment of the same dues as national su the roads and ways, canals, locks, ferries, bridges and openi bridges, ports and landing-quays, buoyed and lighted wat and channels, pilot service, cranes, scales and weighing-ma warehouses, establishments and institutions for the salving a keeping of ships' cargoes, and other establishments and insti of the same kind, in so far as intended for the public servi for the use of trade generally, whether administered by the or by private persons authorized thereto by the State.

The dues shall only be levied for the actual and effective the services named, excepting, however, the provisions to th trary allowed in the case of pilotage and sea-lights.

XIX.* The two Contracting Parties reserve power to re each on their own account, the transport rates of their railwa

But no difference shall be made, either as regards o transport or as regards duration and manner of transport, b the inhabitants of territories of the Contracting Parties. I ticular, consignments of merchandize coming from Russi addressed to a German station or passing in transit throug many, shall not be liable on the German railways to highe than those charged between the same German stations on German or foreign merchandize travelling in the same dir The same principle shall be observed on Russian railways as r consignments coming from Germany and addressed to a R station or passing in transit through Russia. Exceptions ma be made in the case of reduced rates allowed in the public i or for charitable purposes.

XX.* The present Treaty shall come into force on th March, 1894, or earlier if possible, and shall remain in forc the ^{18th}_{day} December, 1903.

In case neither of the Contracting Parties shall, twelve r before that date, have announced its intention of terminati Treaty, the Treaty shall remain in force until the expiration year from the day on which one or other of the Contracting shall have given notice to terminate it.

XXI. The present Treaty shall be ratified, and the ratifi shall be exchanged at Berlin as soon as possible.

In faith whereof the respective Plenipotentiaries have sig and sealed it with their arms.

Done at Berlin, the ^{20th January}_{10th February}, 1894.

(L.S.) COUNT PAUL SCHOUVAL

(L.S.) BASILE TIMIRIASEFF.

(L.S.) LEO, COUNT CAPRIVI,

(L.S.) MAX BARON DE THIELM

* See Final Protocol, page 449.

FINAL PROTOCOL.

At the time of proceeding to the signature of the Treaty of Commerce and Navigation concluded this day at Berlin between Russia and Germany, the Undersigned have agreed to the following:—

*Part I.—Referring to the Text of the Treaty.**To Articles I and XII.*

As regards passports, the subjects of the two Contracting Parties shall receive most-favoured-nation treatment.

To Articles V, VI, VII, IX, and X.

Certain goods being now subject in Russia to higher duties on entering by the land frontier than by the Baltic Sea, it has been agreed that on the day that this present Treaty comes into force the import duties on entry by the land frontier shall be reduced to those on entry by the Baltic Sea, and that no new differential duty favouring importations by the maritime frontier of the Baltic Sea, the Black Sea, and the Sea of Azov (with the exception of the Caucasian littoral) shall be established.

The German Government, on their side, undertake not to levy on any of the frontiers of the German Empire other or more favourable customs duties than those levied on the Russian frontier. Exception is, however, made for salt, for sawn blocks and rough worked building stone and rough slates (Articles 25 (t), 33 (d), and 33 (e) of the German Customs Tariff), for which goods Germany reserves the right to maintain the existing differences between the duties levied on entry by sea and those levied on entry by land.

To Articles VI, VII, and XI.

The produce of the soil or industry of a third Power, passing in transit through the territory of one of the Contracting Parties, shall not, on entering that of the other, pay other or higher duties than would have been paid on the same goods had they been imported direct from their country of origin.

To Articles VI to IX.

As regards the payment of duties, the Imperial Russian Government declare their willingness to accept at the Customs German gold money at the rate of 1,000 marks gold as equivalent + 308 roubles gold.

To Articles VI and VII.

The Contracting Parties reserve to themselves the right of demanding certificates of origin in proof of production or manufacture in one of the two countries of the goods imported into the other. Each of the two Parties will respectively take steps to insure that the demand for these certificates shall constitute the least possible hindrance to commerce.

To Article XIII.

The Contracting Parties reserve to themselves the right of coming to a special arrangement for regulating navigation on the Niemen, the Vistula, and the Warta.

To Article XIX.

The Contracting Parties will assist each other in every possible way with regard to railway tariffs, especially by establishing tariffs for direct communication. These direct tariffs shall be specially established for the German ports of Dantzic (Neufahrwasser), Königsberg (Pillau), and of Memel as regards exportations from as well as importations into Russia, according to the requirements of commerce.

At the same time, the rates of transport chargeable on goods which in the tariff of the Russian railways are classed under the category of cereal, and on flax and hemp, from the stations of departure of the Russian railways to the above-mentioned German ports, shall be calculated and divided between the Russian and German railways over which the goods are transported, according to the regulations which are or shall be in force for the Russian railways to the ports of Libau and Riga. The supplementary charges (accessory expenses) levied in excess of the rates of transport shall also be settled, and the amount divided amongst the lines concerned according to the Russian regulations, it being understood that one frontier charge only shall be levied, which shall be divided equally between the German and Russian railways terminating at the frontier.

This obligation only concerns the State railways in both countries; but the two Governments will endeavour to induce private railways to apply on their lines the same principles for the establishment of the rates and the division of the proceeds. If the private lines which carry in one of the directions indicated do not nevertheless submit to the rates and division above mentioned, these regulations shall cease to be obligatory on the State railways of the two Contracting Powers.

The existing provisions for regulating competitive traffic between Königsberg and Dantzic shall remain in force.

To Article XX.

The denunciation of the Consular Convention of the ^{30th November}_{8th December}, 1874,* in force between the two Contracting Parties, may not take place before that of the present Treaty.

Part II.—Relative to the Russian Conventional Tariff.

To Article 5, § 3.

The denomination of dried chicory applies to chicory dried by whatever process.

To Article 55.

Large skins, including those artificially grained, pay the duties specified in § 8 of Article 55.

To Article 72, § 2.

Furnace mortar (fire-proof cement), i.e., a mixture of raw fire-clay with burnt fire-clay, ground together, pays duty under § 2 of Article 72.

To Article 79, § 1.

Import duties fixed in § 1 of this Article for pit-coal, and peat and wood charcoal, as well as for peat imported by the eastern land frontier, may be increased from the 1st January (o. s.), 1898, as long as the rates of duty remain the same for the eastern land frontier and for the ports of the Baltic Sea.

To Article 112.

Under the head of chemical and pharmaceutical products not specially named are comprised such products when not specially named in the General Russian Tariff of the 11th June, 1891.

To Article 131.

Whites of lead and zinc mixed with other substances pay the duties specified in Article 131, if the said substances are not subjected to higher duties than those on white lead.

To Articles 140 and 142.

Iron and steel in sheets or plates pay the duties of §§ 3 and 4 of Articles 140 and 142 mentioned in the said sections, whatever the shape to which those sheets or plates are cut.

* Vol. LXV, page 244.

To Article 141.

Common or non-precious metals mentioned in the Russian Tariff comprise all metals except gold, silver, and platinum. Aluminium is considered as a common metal unless it is specially named in Articles of the Russian Tariff under which the rates of duty are higher.

To Articles 141, 147, 154, 155, 156, and 163.

Iron, steel, and zinc (as well as manufactures of iron, steel, and zinc) by whatever process they may be covered with common metal (by galvanizing, by a coating of melted metal, by rolling, or by any other process), pay without increase the duties respectively specified for iron, steel, and zinc, and manufactures of iron, steel, and zinc, if the coating of metal does not increase the total weight of the article by more than 25 per cent. for goods under the heading of Articles 141, 147, 154, 155, and 156, and by more than 10 per cent. for goods under Article 163.

To Article 150.

The duties charged under § 1 of the present Article shall be applicable to cast-iron pipes coated with tar or asphalt, not worked in any manner, unless the work consist in retouching the traces on the metal after removing the burrs, runners, or ridges.

To Article 152.

Iron and steel pipes manufactured by the Mannesmann process, including those coated with asphalt and textile substances (both as made and in the raw), shall pay the duties under this Article.

To Article 153.

All iron work and iron and steel decorations used for building and for furniture shall pay the duties under the respective sections of Article 153, unless they are specially named in Articles of the Russian Tariff for which the rate of duties is higher. Nickel shall not be considered as a sufficient cause for applying higher duties to these kinds of goods.

To Article 154, § 1.

Vessels in enamelled iron varnished and coated with paint shall pay the duty fixed by § 1 of this Article, even if the edges and handles are coloured differently to the bottom.

To Article 155, § 2.

The heading of electric cables includes metallic conductors covered with insulating materials (india-rubber, gutta-percha, vegetable or animal fibrous materials, paper, even if these materials are soaked in other substances), and provided with a protecting covering of common materials, such as hemp or other fibrous or metallic material (lead, iron, steel, &c.). Such metallic covering may likewise be surrounded with a band or yarn of tarred hemp, jute, &c.

To Article 156, § 2 (b).

Brass wire ("fil d'archal") plated with tin or zinc, covered with textile materials or gutta-percha, shall pay the duties stated in this paragraph. What is stated at §§ 1 (a) and 2 (b) as to gutta-percha applies also to india-rubber.

To Article 158.

Knives and forks with handles of common materials shall pay the duties under § 1 of this Article.

To Article 160.

Forks of all kinds, such as, for example, forks for digging beet-root and dung, &c., shall pay the duties under this Article.

To Article 161.

Wooden parts of tools, when imported separate from the metallic parts, shall pay the duties under the respective sections of Article 61.

To Article 167, § 2.

By dynamo-electric machines must be understood machines and apparatus employed—

1. To convert motive force into electricity, or electricity into motive force;

2. To convert electric current of high tension into current of low tension, or *vice versa* (transformers); and

3. To convert continuous electric current into alternating or polyphasing (rotating) current, or *vice versa*.

Mechanical diggers, metal fire-escape ladders, and electric accumulators of all kinds, as well as their accessories, shall pay the duties under this section.

To Article 169.

Accessories employed for signals and for transmission of motive force, including interruptors, circuit-cutters, commutators, &c., shall

pay the duties under this Article in the category of implements and accessories for electric light.

To Article 177, § 3.

For collars, cuffs, paper shirt-fronts, stamping in imitation of sewing is not considered as sewing.

To Article 183.—Note.

Cords for spinning-frames, called “renvideurs,” or self-acting, shall pay the duties according to this note.

To Article 186.

Bleached wool is subject to the duties of undyed wool.

To Article 191.

Jute and canvas sacks, after having been employed for the exportation of Russian cereals of any kind, shall be exempt from duties on their reimportation.

To Article 192, § 3.

Table-cloths, napkins, and towels pay the duties of § 3 of this Article, even if ornamented with a hem half-an-inch wide at the most, and with a fringe not sewn on to the tissue, but formed only by the prolongation of the threads forming the tissue.

To Article 202.

Machinery bands of camels' hair, filter-bags, and cloths pay the duties under this Article.

To Article 205.

Knitted work and trimming (“*passementerie*”), made by hand or on a frame, machine finished or cut, including those carded or plush-like, showing sewing or not, shall pay the duties fixed in the corresponding sections of the present Article. Goods knitted in cotton, flax, or wool may have an ornamentation without being subject thereby to a higher duty, as long as there is no silk in such ornamentation.

All kinds of knitted garments come under Article 205.

Knitted work and trimming (“*passementerie*”), silk, half-silk, and mixed with silk, shall pay duties according to the following classification:—

Work in silk shall be considered as such which is covered with silk in the proportion of 50 to 100 per cent. of the total surface,

front and back; and those as work in half-silk, which are covered with silk in the proportion of 20 to 50 per cent. of the said total surface; and, finally, as work mixed with silk those covered with silk in a proportion less than 20 per cent. of the said total.

To Article 212.

The duties under this Article shall be charged inclusively of the weight of the cards on which the buttons are fixed.

To Article 216.

Slates including those in frames of ordinary wood, ruled or not, come under Note 2 of this Article.

To Article 218.

Samples of tissues and of work of all kinds not having the form and character of merchandize shall come under the provisions of the present Article, even in the case where they are fixed on cards or bound in wrappers or volumes.

To Article 220 (b).

Dynamite cartridges shall pay these duties, including only the weight of their actual packing.

Part III.—*Relative to the German Conventional Tariff.*

To No. 29 (a).

Petroleum and other mineral oils for lighting, refined, not otherwise denominated, may pay duty, at the choice of the importer, either by weight per 100 kilog., or by volume per 25 litres, equalling at 15 degrees centigrade 100 kilog. net.

Part IV.—*Relative to the Customs Regulations.*

§ 1. In order to facilitate commercial relations between the two Empires across the land frontier, the Imperial Russian Government will raise the rank of certain customs stations, and will establish new ones at places that are now without them, on condition that the corresponding German stations be furnished with corresponding powers, namely:—

(a.) The second class stations of Praszka and Gerby, and the third class stations of Krottingen and of Slupcy, shall be raised to first class customs stations.

(b.) The barrier customs stations of Modrzejewo and of Piotrkow and the transit station of Osiek, shall become third class custom stations.

(c.) The transit stations of Wilczyn, Gniazdow, Gola, Czeladz Sluziew (Rosno), Podlenka, and Tworki shall become barrier custom stations.

(d.) Barrier customs stations shall be established at Karw and at Zakrzewo, and transit stations at Groscienczyk, Rakowka, Upidamisch, Bakalarzewo, and Czarnowka.

(e.) The barrier customs stations of Wilczyn to be established in place of the transit station of the same name shall have power to clear salt.

(f.) The transit station of Degoutzky shall be authorized to allow German wheat to be ground at the water-mill situated in Russian territory, and to allow the resulting flour to be re-exported.

§ 2. Authority to clear German goods in transit over Russian territory shall be granted to the first class Russian custom-house adjoining the German first class custom-houses ("Hauptzollämter"), namely:—

Tauroggen	..	..	..	..	..	Adjoining Tilsit,
Wirballen	..	..	..	..	..	„ Eydtkühnen,
Graewo..	..	..	..	..	..	„ Prostken,
Alexandrowo	..	..	..	..	..	„ } Thorn,
Neschawa	..	..	..	..	..	„ }
Szipiorno	..	..	..	..	..	„ Skalmierzyce,

provided the consignments be subject to the Russian regulations respecting similar traffic by land and by river, which regulations will be published when sanctioned.

It is understood that authority to clear Russian merchandise in transit over German territory will continue to be granted to the above-mentioned German custom-houses.

§ 3. Authority to forward merchandise under Customs contracts to other custom-houses shall be granted by both parties to all first class custom-houses not in communication by rail with custom-houses provided with bonded warehouses, provided the consignments be subject to the laws and regulations on the subject.

§ 4. Authority shall be granted to re-export merchandise on which customs duties have not yet been paid—provided the same authority be granted to German custom-houses—to the following custom-houses, besides being granted to custom-houses on railways and in ports:—

Tauroggen
Georgenburg.
Neschawa.

Szipiorno.
Weruschewo.

§ 5. It is agreed on both sides that the custom-houses of both countries shall be open every day of the year, except Sundays and on the following festivals:—

(A.) In Russia:

I. *Festivals of the Imperial Family*—

Anniversaries of the birth and name-days of their Imperial Majesties and of His Imperial Highness the Hereditary Grand Duke, the anniversaries of the Accession and of the Coronation.

II. *Movable Feasts*—

Friday and Saturday in Carnival Week; Thursday, Friday, and Saturday in Holy Week; Easter Monday and Tuesday; Ascension; and Whit Monday.

III. *Fixed Feasts*—

January	1.	(New year.)
„	6.	(Epiphany.)
February	2.	(Candlemas.)
March	25.	(Annunciation.)
May	9.	(St. Nicholas.)
June	29.	(St. Peter and St. Paul.)
August	6.	(Transfiguration.)
„	15.	(Assumption.)
„	29.	(Beheading of St. John the Baptist.)
September	8.	(Nativity of the Blessed Virgin.)
„	14.	(Exaltation of the Cross.)
„	26.	(St. John.)
October	1.	(Pokrow of the Blessed Virgin.)
„	22.	(Our Lady of Kazan.)
November	21.	(Presentation of the Blessed Virgin.)
December	6.	(St. Nicholas.)
„	25, 26, and 27.	(Christmas.)

IV. In the Kingdom of Poland, and in some frontier Governments where the majority of the population is Catholic, work shall also be suspended on the first days of the great festivals of the Roman Catholic Calendar, and also on Corpus Christi and on All Hallows.

(B.) In Germany:

New Year, national fasts and prayers ("Buss- und Bettag"), Wednesday before the last Sunday in November, Good Friday, Ascension, Easter Monday, Whit Monday, two days of Christmas, and the anniversary of the birthday of His Majesty the German Emperor, King of Prussia.

§ 6. A statement of office hours shall be exhibited in the custom-houses of both countries.

Office hours for the examination of passports and of commercial

travellers' licences shall be fixed in each district, and at each frontier station, by agreement between the proper authorities of the two countries, who shall arrange similar hours on both sides of the frontier, and shall bear in mind local requirements; and, in the case of third class custom-houses, barrier custom-houses, and transit stations, shall allow a suspension of work for the officials' meals.

§ 7. Articles subject to duty, and imported by persons in possession of regular papers authorizing them to cross the frontier, may, on both sides of the frontier, form the subject of a verbal declaration at all custom-houses, in so far as such custom-houses have authority to receive these declarations, provided the articles be not imported with a commercial object, and that the sum of the duties to be collected on importation do not exceed in Russia 3 roubles gold, and in Germany 9 marks.

Transit stations may, by virtue of this authorization, clear articles of consumption, except brandy and other alcoholic liquors, as well as goods intended exclusively for domestic consumption.

§ 8. Free entry shall be allowed on both sides to the provisions of workmen who cross the frontier daily, excepting brandy and other alcoholic liquors, tea, sugar, and wine; the quantity imported may not exceed for each person what he will require for the day.

§ 9. Passengers on board the Memel (Niemen) steamers shall pass the customs examination of both countries on board, provided their luggage be got ready beforehand on deck, or at some other appointed place.

§ 10. At Russian land frontier stations, the presentation of the way-bill by the driver shall be considered equivalent to a declaration, provided a statement of the whole consignment appear on one of the way-bills, that is, provided such way-bill shows the number of way-bills and of parcels forming the consignments.

§ 11. Coal imported into Russia in carts shall be cleared according to the weight shown in the way-bills if there be annexed to them the weight certificate issued at the mine.

§ 12. Flowers and live plants, fresh fruit and other perishable merchandize, shall be cleared in both countries within twenty-four hours from the moment of their arrival in the customs warehouses, allowing, however, for cases of *vis major*.

§ 13. Warehouse dues for imported merchandize shall be levied by the Russian custom-houses according to the actual number of days that the goods may be in the warehouses, reckoning from the day on which the customs examination began.

Nevertheless, the allowance of free warehousing shall be limited by the period allowed at each custom-house for making a declaration of the merchandize imported, namely, five to fourteen days.

§ 14. Articles XV and XVI of the International Convention of

Berne of the 14th October, 1890,* having decided that the consignor has the right to dispose of the consignment, the Imperial Government of Russia declares that no alteration shall be made in these provisions of the Convention of Berne while the present Treaty is in force.

§ 15. The system of fines imposed for inaccurate declarations of goods imported, now in force in Russia, shall be revised and simplified.

Fines imposed for unintentional mistakes shall be reduced, and the authority of the different custom-houses to reduce or remit such fines shall be extended. Until such time as this reform, which must be submitted to the approval of the Legislative Authority, can be carried out, the Imperial Government of Russia, in view of the wishes expressed by the Imperial Government of Germany, thinks it can, as a provisional measure, reduce the so-called "*droits d'accidence*," now levied in most cases at the rate of 10 per cent., to 5 per cent. in all cases of incomplete declarations.

§ 16. The right to petition against decisions of Russian custom-houses, both respecting inaccurate or false declarations, and respecting the Tariff classification of goods, shall be extended to the consignor on the same terms as to the person making the declaration.

Petitions of this kind may be prepared by the consignor in German.

§ 17. The period allowed for petitions on matters coming under § 16 shall be fixed at three weeks, both for the consignor and for the person making the declaration, to be reckoned from the day on which the decision was communicated to the latter.

In the case of decisions respecting the classification of goods, the petitions of the consignor will be received within the same period, provided the goods which gave rise to the dispute have not left the customs warehouse.

§ 18. German Consuls in Russia, and Russian Consuls in Germany, shall have the right to correspond directly with the Russian Customs Department and with German Customs Officials ("*Provinzial Steuerdirektor*," &c.) respectively regarding customs matters under the consideration of these authorities.

§ 19. Guards, drivers, and other persons employed on the railways of either of the two Contracting Parties, when convicted of having smuggled goods in trains into the territory of the other Party, shall, at the request of the competent Customs authorities, be deprived of the right of travelling with trains to the frontier.

§ 20. All measures of quarantine and veterinary police, namely,

decisions relating to the closing or opening of the frontier to particular classes of goods, or those relating to alterations in regulations on such matters, &c., shall, as soon as issued, be communicated by each of the two Contracting Parties to the other party.

The details of this question shall be settled diplomatically.

§ 21. Measures of quarantine for preventing the invasion of epidemics shall, in both countries, be applied to all passengers crossing the frontier, according to the greater or less probability of contagion, irrespective of the nationality of such passengers.

§ 22. Nothing shall on either side be done to hinder passengers from being sent back on account of their having defective passports, or on account of their not having paid customs duties; in such cases foreigners may be sent back by either Party, especially if they have not passed into the interior of the country. The competent authorities of both Parties shall come to an agreement as to the measures to be taken in this respect.

Russian Jewish emigrants and others, furnished with a passport certificate of expatriation, sent back into Russia by the German authorities, shall be admitted by the authorities on the Russian frontier, provided the persons so sent back have not resided in Germany more than one month from the day on which they crossed the Russo-German frontier.

§ 23. The frontier authorities of both Contracting Parties shall not send back vagrants without passports, or other persons of the same class who are to be sent back into the territory of the country to whom they belong, except to points on the frontier where the authorities are authorized to deal with passengers.

The present Protocol, which forms an integral part of the Treaty to which it relates, shall be considered as approved and sanctioned by the two Governments by the mere fact of the exchange and ratifications of the Treaty, and without any ratification other than that of the Treaty.

In faith whereof the Plenipotentiaries have signed the said Protocol.
Done at Berlin, the ^{29th January} 10th February, 1894.

COUNT PAUL SCHOUVA
BASILE TIMIRIASEFF.
LEO, COUNT CAPRIVI.
MAX BARON DE THIELMANN

ex 4	Potato fecula	..	..	..	..	..	..	..	..	Pound	..	1 15
	Starch of all kinds; dextrine	..	..	..	..	..	..	..	..	"	..	..
	<i>Ex note.</i> —Starch of all kinds and dextrine, imported in packets, boxes, and other small receptacles, including the weight of the internal wrapping, pay a duty of 1 r. 30 cop. (gold) per pound.											
ex 5	1. Common unprepared vegetables; onions and garlic in cloves	..	..	..	..	..	..	..	..	Pound gross	..	Free,
	<i>in</i> 3. * Chicory root, whole or cut, dried or not..	..	..	..	..	..	..	..	..	"	..	0 40
ex 6	<i>ex</i> 1. Fresh fruits ..	..	..	..	..	..	..	..	..	Pound	..	0 60
ex 26	<i>ex</i> 1. Hops ..	..	..	..	..	..	..	..	..	"	..	3 50
32	Mineral waters, natural or artificial	..	..	..	..	..	..	..	..	Bottle or jar	..	0 03½
35	Cheese ..	..	..	..	..	..	..	..	..	Pound	..	5 40
ex 46	<i>ex</i> 2. Articles made of hogs' bristles, mounted on common wood without veneer; pencil brushes of hogs' bristles, and all other paint brushes..	..	..	..	..	..	..	..	..	"	..	2 50
	<i>ex</i> 2. Morocco leather, glazed leather, kid skins, shagreen; leather of all kinds with impressed ornaments; small lacquered skins ..	..	..	..	..	..	..	..	..	"	..	12 00
ex 55 *	<i>in</i> 3. Driving belts for machinery, not made up; small round driving-straps and straps for looms ..	..	..	..	..	..	..	..	..	"	..	6 00
	4. Lacquered skins, large ..	..	..	..	..	..	..	..	..	"	..	6 80
	<i>Note.</i> —Cuttings and pieces of prepared skins, provided they are not cut out for shoemakers' wares or other small articles, pay the same duties as are leviable on the skins from which they are cut.											

* See Final Protocol, Part II, page 451.

Nos. of the Russian General Tariff of June 11, 1891.	Tariff Classification.	Unit.	Rates.
<i>ex</i> 56	<i>is</i> 2. Musk-rat skins	Poud	Gold. Rbbls. cop. 6 60
<i>ex</i> 57	<i>ex</i> 4. Fox skins (other than those mentioned in paragraph 1 of the present Article), and pieces of such skins 3. Leather gloves of all kinds Wares of chamois leather, glazed leather, morocco, or parchment, except shoemakers' wares and surgical apparatus <i>is</i> 5. Note-books and pocket-books of chamois, glazed, or morocco leather, or of parchment	" " " " " "	12 00 2 55 2 00 0 70
<i>ex</i> 61	<i>Note to paragraph 5.</i> —The duty fixed in this paragraph is applicable to all the articles mentioned in it, whether containing silk or half-silk trimmings as ornament or not. 1. Joiners' and turners' wares of common wood, not varnished, polished, nor veneered; wooden pegs or nails for shoemakers' use. 2. Joiners' and turners' wares of superior woods, not varnished and not polished; similar wares of common woods, varnished, polished, or veneered; furniture of bent beech-wood, not caned and not covered mounted or unmounted 3. Carved wooden wares of all kinds (except those under § 4 of the present Article); joiners' and turners' wares, gilt, silvered, or bronzed, or with gilt, silvered, or bronzed ornaments	Poud " " " " " "	0 55 1 80
<i>ex</i> 62	<i>ex</i> 2. Beet-root seed	" " " " " "	4 50
<i>ex</i> 65	<i>ex</i> 4. Cement of all kinds (natural or artificial Portland, Roman, mixed cement, made from scoria, and all others); bricks, slabs, and pipes of cement	Poud gross	0 10
<i>ex</i> 68	Yellow amber (other than that specially mentioned)	Poud	0 08
<i>ex</i> 74	Pottery of common clay or of fire-clay— 1. Vessels and wares of all kinds (except pipes and wares specially mentioned), not ornamented nor painted, and whether enamelled or varnished or not; bricks and tiles, glazed or varnished..	" " " " " "	2 10 0 25

	Single-coloured tiles of baked clay for walls or paving, plain stove tiles of baked clay, and projecting parts of stoves in baked clay (crowns or other parts), whether glazed, varnished, or ornamented with mouldings in relief, or not; stoneware jars for mineral waters, even glazed or varnished, but without painting, gilding, or carving	..	..	0	20
2.	Vessels and wares of all kinds (except pipes and wares specially mentioned in the Tariff), ornamented, painted, carved, or gilt	..	..	0	60
	Multi-coloured tiles for walls or paving, plain stove tiles and projecting parts of the said stoves (crowns and other parts), whether glazed, varnished, or ornamented with mouldings in relief or not	..	..	0	50
3.	Tiles of baked clay for paving and walls, plain tiles and projecting parts of stoves (crowns and other parts) in baked clay, gilt or carved	..	..	1	50
2.	Earthenware ("faïence"), with patterns, rims, or borders of one colour; earthenware ("faïence") coloured otherwise than in the paste	..	..	1	25
3.	Similar wares with painting or gilding, or with patterns in several colours	..	..	3	30
ex 1.	Majolica of all kinds, with or without moulded ornaments	..	..	3	30
ex 2.	Articles (other than those specially mentioned) of white or half-white glass or crystal, not polished, and not cut, or cut only on the bottoms, rims, necks, stoppers, or covers, and with moulded or pressed figures or patterns, but without other ornament	..	..	3	20
(b.)	Plain blown articles	..	..	3	20
3.	Articles of white, uncoloured, glass or crystal, polished or cut, but without ornament	..	..	4	80
5.	Glass ornaments for Christmas-trees, including those coloured, gilt, or silvered, with inseparable metallic or other fittings for suspending them (such as hooks, clasps, wires, &c.)	..	..	10	00
ex 1.*	Coal, peat, and wood charcoal, or peat, imported over the western land frontier	..	..	0	01
ex 2.	Coke imported over the western land frontier	..	..	0	01½
2.	Heavy spar and native white-iron, ground	..	..	0	50
	Baryta: sulphate of baryta ("blanc fixe") and carbonate of baryta, artificial	..	..	0	80
ex 1.	Salts of chromic acid soluble in water (bichromate of potash, neutral chromate of potash, chromate of soda)	..	..	2	15
ex 6.	Tannic acid (tannin)	..	..	5	00
2.	Blue copperas, except anhydrous copperas, Salzburg copperas (a mixture of sulphates of iron and copper), white copperas or sulphate of zinc; chloride of zinc	..	..	0	80
	Tartar emetic	..	..	3	00

* See Final Protocol, Part II, page 451.

Nos. of the Russian General Tariff of June 11, 1891.	Tariff Classification.	Unit.	Rates.
			Gold. Rbbls. cop.
112*	Chemical and pharmaceutical products not specially tariffed ..	Poud gross	1 50
113	Proprietary medicines the importation of which is authorized in accordance with a special list	"	16 00
ex 125	2 (c). Precipitated or washed chalk; chalk and talc, ground ..	"	0 12
131*	White lead and zinc white.. ..	Poud	0 50
132	Red lead	"	0 35
133	Colours with base of copper (except : erdigris) or of arsenic ..	"	3 00
	Verdigris (basic acetate of copper)	"	3 60
135	Dyeing substances (pigments) prepared with products from the distillation of coal tar; alizarine, extract of madder, lake of madder or alizarine; cochineal carmine, carmined lake; indigotine (indigo extract in a dry state)	"	14 00
	<i>Note.</i> —Colouring substances mixed with non-colouring materials, such as clay and oil, pay the duties fixed in Article 187 when the colouring substance does not exceed 10 per cent. of the total weight of the mixture.		
136	Fine colours for miniatures in china or porcelain cups or saucers, in tubes, or in tin capsules; Indian ink, liquid, in flasks.. ..	"	5 00
ex 139	Cast iron, in pigs, scrap, or flings—	"	0 30
140*	Wrought iron—	"	
	1. In bars, merchant iron of all sorts, except such as is mentioned below; also wrought-iron in pigs or in puddled blooms, scrap, and mill bars; iron in powder..	"	0 50
	2. Iron rails, perforated, or grooved, or not	"	0 50
	3. In sheets of all sorts up to No. 25 inclusive (Birmingham gauge); in plates exceeding 18 inches in width; all merchant iron of a width or height exceeding 18 inches, and of a thickness or diameter of 7 inches or more; shaped iron (T, double T, ribbed, and Z iron, and of other complicated sections, except angle iron included in paragraph 1 of the present Article); hoop iron of a width or diameter of more than $\frac{1}{4}$ and up to $\frac{1}{2}$ inch inclusive	"	0 65

141*	4. In sheets above No. 25 (Birmingham gauge) Tin plates (sheet iron, tinued), even varnished, with printed ornaments, or watered (metallic moresen); sheet iron, painted or varnished, or coated with zinc, copper, nickel, or other common metal .. .. .	.. .. .	.. .. .	.. .. .	0 80
142*	Steel— 1. In bars, merchant steel of all sorts, except such as is separately mentioned below; steel in blooms, scrap steel 2. Steel rails, perforated, or grooved, or not 3. In sheets of all sorts up to No. 25 inclusive (Birmingham gauge); in plates exceeding 18 inches in width; all merchant steel of a width or height exceeding 18 inches, and of a thickness or diameter of 7 inches or more; figured steel (T, double T, ribbed, and Z steel, and of other complicated sections, except angle steel included in paragraph 1 of the present Article); hoop steel of a width or diameter of more than 4 and up to 4 inch inclusive 4. In sheets above No. 25 (Birmingham gauge) in 2. Tin-foil weighing 1 zolotnik or less than 25 square inches Lead— 2. In rolls, sheets, pipes, or wires .. .. .	.. .. .	.. .. .	.. .. .	0 50 0 50 0 65 0 80 2 00 0 25
143*	Zinc— 1. In pigs or scrap; zinc ash 2. In sheets, planed or polished, or not 1. Wrought gold of all kinds; jewellery and trinkets of gold, unset or set with any kind of real or artificial stones, pearls, &c. Wares of copper, of alloys of copper, or of other common metals and their alloys mentioned in Article 143— 1. Articles without ornaments in relief or engraved, and stamped articles, with or without parts of wood, iron, tin plate, leather, or other common materials 2. Articles with ornaments in relief or engraved (except stamped ornaments), decorated or plain, coated or not with patina, mounted or unmounted .. .. .	.. .. .	.. .. .	.. .. .	0 45 0 80 35 20
144*	1. Rough iron castings .. .. .	.. .. .	.. .. .	.. .. .	4 32
145*	1. Articles without ornaments in relief or engraved, and stamped articles, with or without parts of wood, iron, tin plate, leather, or other common materials 2. Articles with ornaments in relief or engraved (except stamped ornaments), decorated or plain, coated or not with patina, mounted or unmounted .. .. .	.. .. .	.. .. .	.. .. .	13 60
146*	Note.—Spoons and forks of Britannia metal, cast, plain, pressed, stamped, but not engraved, including those with iron or steel core, pay duty under paragraph 1 of this Article.	.. .. .	.. .. .	.. .. .	0 60

• See Final Protocol, Part II, page 451.

<i>ex</i> 155*	(b.) Above No. 25 and up to No. 29 inclusive .. .. .	..	..	..	..	..	5 00
	(c.) Finer than No. 29 .. .. .	..	..	..	..	..	6 00
	<i>Note.</i> —All wire ("fil d'archal") tinned, coated with zinc or any other common metal, will pay duty according to the corresponding paragraphs of the present Article, with an addition of 25 per cent.						
	Wire manufactures—						
	<i>ex</i> 1. Of iron or steel wire—						
	<i>in</i> (a.) Iron or steel wire, whether coated with tin or zinc or not, or covered with textile materials or gutta-percha .. .. .	..	..	..	..	..	3 20
	(b.) Fillets of cards and cards of all kinds .. .. .	..	..	..	..	..	3 20
	<i>ex</i> 2. Of copper or of copper alloys—						
	<i>ex</i> (b.)* Wire up to and including No. 29 (Birmingham gauge), covered with textile materials or gutta-percha .. .. .	..	..	..	..	..	7 50
	<i>Note.</i> —Wire covered with silk, mixed or not with other textile materials, will pay 20 per cent. above the duties fixed in paragraph 1 (a) and in paragraph 2 (b) of the present Article.						
<i>ex</i> 158*	Cutlery—						
	1. Of all kinds mounted in common materials, shears [scissors] (except sheep shears), scissors, tweezers, knife blades, and forks without handles, finished or not .. .. .	..	..	..	..	..	13 60
160*	Scythes and sickles, chaff-cutters, bills, sheep shears, spades, shovels, rakes, hoes, and forks .. .. .	..	..	..	..	..	1 10
161*	Tools for use in art, trades, factories, and workshops .. .. .	..	..	..	..	..	1 10
<i>ex</i> 163	3. Manufactures of tin, zinc, or their alloys, coated with copper, alloys of copper, or nickel (except the articles which are referred to in Article 215) .. .. .	..	..	..	..	..	4 32
167	Machines, apparatus, and models thereof, complete or incomplete, mounted or unmounted—						
	1. Of all kinds, if composed of copper or of copper alloys .. .. .	..	..	..	..	..	4 32
	2.* Gas meters, water meters, gas, hot air, or petroleum motors; magnetic machines; dynamo-electric machines of all kinds; sewing and knitting machines; portable engines (other than those mentioned in paragraph 5); tenders, fire-engines (other than those mentioned in paragraph 3); machinery of all kinds not specially tariffed, of cast or wrought iron or of steel, with or without parts of other metals .. .. .	..	..	..	..	..	1 40

* See Final Protocol, Part II, page 451.

Nos. of the Russian General Tariff of June 11, 1891.	Tariff Classification.	Unit.	Rates.
167	<p>Machines, apparatus, &c. (<i>continued</i>)—</p> <p>3. Railway locomotives, traction engines, locomotive waggons, steam waggonettes, steam fire-engines 1 80</p> <p>4. Agricultural machinery and apparatus not provided with steam motors and not specially tariffed, as well as models of the same 0 50</p> <p>5. Portable engines imported with threshers of a complicated system 1 20</p> <p><i>Note</i>.—Parts of machinery and apparatus imported separately from the machines or apparatus pay duty as follows: (a) if of copper or copper alloys, an import duty of 4 r. 32 cop. (gold) per pound; (b) if of cast iron or steel, an import duty of 1 r. 40 cop. (gold) per pound.</p>	<p>Pound ..</p> <p>" ..</p> <p>" ..</p>	<p>Gold. Rbla. cop.</p>
168	<p>Scales and their accessories; parts of scales, except those of copper or of alloys of copper—</p> <p>1. For the first 3 pounds of each scale; weights for scales 3 00</p> <p>2. For each pound above 3 1 40</p>	<p>" ..</p> <p>" ..</p>	<p>3 00</p> <p>1 40</p>
<i>ex 169*</i>	<p>Apparatus and accessories for electric lighting, if composed of stamped or pressed metal, including those scoured, varnished, or enamelled (but not polished), combined with porcelain, glass, wood, or other common materials 6 00</p>	<p>" ..</p>	<p>6 00</p>
<i>ex 171</i>	<p>Clocks and watches—</p> <p><i>ex 1 (b).</i> Movements for clocks, travelling clocks, or mantel or table time-pieces, imported without their cases or separately from the cases, pay 1 rouble (gold) each, and in addition 0 50</p> <p><i>Note 1.</i>—Clocks, travelling clocks, or mantel or table time-pieces, of which the movements cannot be separated from the cases without the aid of instruments, pay duty according to the material of the case, and in addition are subject to a duty for the complete works of 1 r. 50 cop. (gold) each.</p>	<p>Pound ..</p>	<p>0 50</p>

Note 3.—Movements of so-called American clocks, i.e., with stamped or burnished or varnished (but not polished) pillars and wheels, with pinions made without cutting, pay 60 copecks per complete set without surtax for the weight. Clocks and time-pieces which have movements of the above type, when the works cannot be separated from the case without the aid of instruments, pay duty on the weight according to the material of the case, and in addition 60 copecks (gold) for each movement.

ex 172	6. Clock and watch fittings of all kinds not put together	Pound ..	0 50
	1. Grand pianos ; non-portable organs of all kinds	Each ..	112 00
	2. Cottage pianos	" ..	64 00
ex 177*	4. Musical instruments of all kinds not separately tariffed ; accessories of musical instruments imported separately, such as bows, gut or silk strings (metallic strings are dutiable under Article 155), key-boards, piano hammers (pegs for pianofortes are dutiable under Article 166, paragraph 3), metronomes, tuning-forks, cranks ("crans"), &c.	" ..	0 10
	3. Collars, cuffs, and shirt fronts of paper, covered or not on one or both sides with white or printed cotton tissue, without traces of needlework, including the weight of the cardboard boxes in which they are contained	" ..	2 40
	4. Sized paper of all kinds, except such as specially mentioned in the Tariff, white or coloured in the pulp, and without ornaments ; copy books with covers (but not bound) ; Bristol board and other satined and glazed cardboard of all kinds, in rolls or sheets, or cut in bands, or in visiting cards ; paper bobbins for winding thread ; sized paper applied upon net tissue, linen, or coarse calico ; transparent tracing tissue	" ..	3 30
ex 178	6. Writing paper, paper for printers, lithographers, bookbinders, or confectioners, with ornamentation such as gilding, silvering, bronzing, or impressions, or cut into the form of lace work, or with figures, pastings, borders, crests, monograms, pictures, &c. ; cigarette paper, tissue paper, paper coloured on one or both sides (but not in the pulp), paper wares, such as envelopes, lamp shades, artificial flowers made of paper, &c.	" ..	8 75
	ez 7. Oleographs and chromolithographs.. .. .	" ..	5 00
	2. Music, maps, and plans, reproduced by printing, lithography, or photography	" ..	3 20

* See Final Protocol, Part II, page 451.

ex 197	few warp threads, will pay 30 per cent. above the duties specified in the respective paragraphs of this Article.				
199	Velvets and plushes, and velvet and plush ribbons, with pile of silk (or waste silk) not containing silk (or waste silk) in either the warp or the woof, including those with a list of silk or half-silk $\frac{1}{2}$ inch or more in width on each side of the stuff or ribbon .. ..	..	..	..	3 00
200	Woven or knitted stuffs of wool or goats' hair, with or without mixture of cotton, plain or <i>china</i> , not specially tariffed— (a.) Of all kinds, except those mentioned in paragraph (b) (b.) Of combed wool, or with mixture of combed wool .. ..	..	..	..	1 05 1 05
203*	Similar tissues printed pay 30 per cent. in addition to the duty fixed by Article 199. <i>Ex notes common to Articles 199 and 200—</i> 1. Stuffs of wool or goats' hair with the warp or woof of silk are dutiable as silk tissues; similar stuffs containing silk, but only in the form of patterns or stripes composed of a few supplementary silk threads, will pay 20 per cent. additional to the duties specified above. Knitted wares and trimmings ("passenterie")— 1. Knitted wares, including those with traces of sewing— (a.) Of silk (b.) Of half-silk (c.) Of cotton Of all other kinds 2. Tapes and braidings for trimmings (accessories), fringes, tassels, trimmings, and other plaited wares— (a.) Of silk or half-silk (b.) Of all other kinds <i>Note.</i> —The wares mentioned in paragraphs 1 (c) and 2 (b), with mixture of silk or tinsel (or of sham silver) in the shape of ornaments will pay 20 per cent. above the duties specified in the said paragraph. Cotton tulles— 1. For furniture ("antimacassars"), with woven or embroidered patterns; tulle or muslin curtains .. ..	..	..	..	5 00 1 90 0 50 0 60 1 90 0 60 1 20

* See Final Protocol, Part II, page 451.

Nos. of the Russian General Tariff of June 11, 1891.	Tariff Classification.	Unit.	Rates.
			Gold. Rbbs. cop.
<i>ex</i> 207	<i>ex</i> 2. Machine-made lace of all kinds, except lace of silk	Pound ..	3 15
<i>ex</i> 209	<i>ex</i> 3. Clothing for men with or without trimming—		
	(b.) Of woollen tissues	" ..	1 55
<i>ex</i> 211	Umbrellas, parasols, and umbrella sticks—		
	<i>ex</i> 1. Of all kinds, covered with half-silk tissue, with or without lining, trimmed or untrimmed	" ..	
	<i>ex</i> 2. Of all kinds, covered with woollen stuffs, with or without trimming	Each ..	1 50
	3. Of all kinds not specially tariffed, covered or not with stuffs, and with or without trimming, with plain or ornamented handles	" ..	0 60
	Buttons—	" ..	0 35
<i>ex</i> 212*	<i>ex</i> 1. Metallic buttons of all kinds, except those of gold, silver, or platina (Article 148); linen, cotton, woollen, or silk buttons of all kinds	Pound ..	0 60
	<i>ex</i> 2. Porcelain buttons	" ..	0 25
<i>ex</i> 215	Mercery and toilet articles not specially tariffed, mounted or not; children's toys—		
	1. Fine mercery containing costly materials such as silk, aluminium, mother-of-pearl, coral, tortoise-shell, ivory, enamel, amber, and other valuable materials, metals or metallic compositions, gilt or silvered; wares of mother-of-pearl, tortoise-shell, ivory, or amber, of all kinds, not specially tariffed	" ..	1 80
	2. Common mercery with parts, mountings, or ornaments of common metal or metallic alloys (not gilt or silvered), of horn, bone, wood, porcelain, semi-precious stones, glass, meerschaum, whalebone, jet, celluloid, lava, and other cheap materials; wares of all kinds not specially tariffed, composed of horn, bone, meerschaum, whalebone, jet, celluloid, lava, or wax	" ..	0 40

Note to paragraph 2.—The articles mentioned in the preceding paragraph will pay the duty specified even if they contain silk or half-silk as ornamental trimming.

ex 218* Pencils of all sorts, including coloured crayons, assorted or not, including the weight of the boxes in which they are imported 0 35

Note 2.—Slatees will pay the duty fixed in Article 70, paragraph 2 (a), with an addition of 50 per cent. in Note 2. Slate pencils not covered with paper or other materials will pay duty as slatees.

EXPORT DUTIES.

3 Rags of all kinds, woollen clippings and unfinished paper in the paste 0 30

TARIEFF (B.)

Articles of the German Tariff (in force from 1st February, 1892).	Description of Goods.	Unit.	Duty in Marks.
ex 1	(b.) Blood of slaughtered animals, liquid or dry; sinews and tendons; returns ("d'êche"); residues from the distillation of brandy; chaff; bran; malt dust; coal-ashes; animal and other manures, such as lye-ashes (wood-ashes in lye), slack-lime, dried scum from sugar refineries, and animal bone of all kinds. . . . .	..	Free.
	(c.) Rags of all kinds, waste paper, old printed paper and old manuscripts, old fishing-nets, old cordage; lint .. .. .	..	Free.

* See Final Protocol, Part, II, page 451.

ex 7	All these articles, if they are not mentioned under another number, even if they are combined with wood and other materials, unless they are classed, on account of such combination, under mercury (No. 20).	..	100 kilog.	Free.
		..	"	10 00
8	(a.) Earths and mineral substances, raw, calcined, washed, or ground, as well as ores, including those prepared, not specially classed; precious metals, coined, in bars, or broken pieces; asbestos fibre, including cleaned, asbestos cement, liquid asbestos ..	..	100 kilog.	Free.
		..	"	8 50
ex 9	(b.) Cardboard and paper of asbestos, in sheets or rolls, and plates of asbestos— 1. Not moulded 2. Moulded, whether stamped or not .. .. .	..	100 kilog.	Free.
		..	"	8 50
	Flax and other textile vegetable materials, with the exception of cotton, raw, retted, broken, heckled, and waste of such materials	..	100 kilog.	Free.
		..	"	8 50
	(a.) Wheat .. .. .	..	100 kilog.	Free.
		..	"	8 50
	(b.) a. Rye .. .. .	..	100 kilog.	Free.
		..	"	8 50
	β. Oats .. .. .	..	100 kilog.	Free.
		..	"	8 50
	γ. Buckwheat .. .. .	..	100 kilog.	Free.
		..	"	8 50
	δ. Pulse ("Hülsenfrüchte") .. .. .	..	100 kilog.	Free.
		..	"	8 50
	ε. Other cereals not specially mentioned .. .. .	..	100 kilog.	Free.
		..	"	8 50
	(c.) Barley .. .. .	..	100 kilog.	Free.
		..	"	8 50
	(d.) a. Colza, rape, poppy, sesame, earth-nuts, and other oleaginous seeds not elsewhere mentioned .. .. .	..	100 kilog.	Free.
		..	"	8 50
	ex β. Linseed .. .. .	..	100 kilog.	Free.
		..	"	8 50
	ex (e.) Maize .. .. .	..	100 kilog.	Free.
		..	"	8 50
	ex (f.) Malt (barley malted) .. .. .	..	100 kilog.	Free.
		..	"	8 50
	(g.) Anise, coriander, fennel, and caraway seed .. .. .	..	100 kilog.	Free.
		..	"	8 50
	ex (i.) Chicory, dried .. .. .	..	100 kilog.	Free.
		..	"	8 50
	(k.) Agricultural produce not otherwise mentioned .. .. .	..	100 kilog.	Free.
		..	"	8 50
	(e.) Pendants of chandeliers, glass buttons, including coloured; massive white glass, not elsewhere mentioned; moulded, pressed, cut, ground, polished, corroded, and engraved or figured glass, provided that it is not included in letters (d) or (f) ..	..	100 kilog.	Free.
		..	"	8 50
	ex (a.) Horse-hair, raw, combed, boiled, dyed, curled, spun; bristles; bed feathers not cleaned .. .. .	..	100 kilog.	Free.
		..	"	8 50
	ex (f.) Bed feathers, cleaned and prepared .. .. .	..	100 kilog.	Free.
		..	"	8 50

Articles of the German Tariff (in force from 1st February, 1892).	Description of Goods.	Unit.	Duty in Marks.
12	Hides and skins— (a.) Large and small hides, raw (green, salted, treated with lime, and dried), for tanning, whether with or without the hair .. .. .	..	Free.
<i>ex</i> 13	(b.) Skins for furrers (a.) Charcoal; shavings of horn, hoofs, and claws, bone (for carving), raw (b.) Tan, tan bark, whether ground or not (c.) Wood for building and industrial purposes— 1. Rough or simply cut in lengths with the axe or saw, or rough-hewn, with or without the bark; staves of oak for casks 2. Wood split lengthwise, prepared in a manner other than that of being rough-hewn with the axe, or divided in pieces; staves not coming under No. 1; osiers for basket-work and hoop-wood, unpeeled; naves, felloses, and spokes of wheels 3. Wood sawn in lengths; planks not planed; squared timber, and wood sawn or cut into shapes (d.) Coopers' wares, common, not painted; turners' wares, common, not painted; carpenters' wares, common, not painted; and other wooden wares simply planed, with the exception of hard wood or veneered furniture; wheelwrights' wares, rough; osiers for basket-work, peeled; coarse basket wares, neither painted, nor stained, nor polished, nor varnished; rattans, stained or split Basket-work of shavings, not painted Horn, in sheets; rough bone, simply cut in sheets or plates (e.) Veneers, parts of parquetry, unglued, not stained .. .. .	.. .. .. .. 100 kilog. } Cub. metre .. 100 kilog. } Cub. metre .. 100 kilog. } Cub. metre .. 100 kilog. }	Free. Free. Free. Free. 0 20 1 20 0 30 1 80 0 80 4 80 3 00 1 00 1 50 5 00

<i>ex</i> 15	<i>ex</i> (g.) Fine basket-work ..	..	..	..	..	..	..	..	30 00
	Basket-work of shavings, painted	..	..	..	..	..	..	..	10 00
	<i>Note to (g)</i> —								
	1. Buffalo and other horns, smoothed, polished, or otherwise prepared for use	..	..	..	..	..	..	..	40 00
	2. Buttons of horn, moulded ..	..	..	..	..	..	..	..	30 00
<i>ex</i> 20	<i>ex</i> (b.) Machinery—								
	<i>ex</i> 2. According to the material preponderating in weight—								
	a. Of wood	..	..	..	..	..	..	..	3 00
	<i>ex</i> (b.) 2. Fine, fancy, and small wares ("mercerie et quincaillerie fines"), ornamental and toilet articles for men and women, bric-à-brac, &c.—	..	..	..	..	..	..	..
	Wholly or in part of aluminium, of other base metals, but of fine manufacture, more or less nickel-plated, gilt, silvered, or varnished, or combined with semi-precious or imitation stones, alabaster, enamel, or with carving, chasing, pastes, cameos, or ornamentations of cast metal ..	..	..	..	..	..	..	..	175 00
<i>ex</i> 21	<i>ex</i> (b.) Sole leather, Brussels and Danish leather for gloves ..	..	..	..	..	..	..	..	30 00
<i>ex</i> 22	Flax and hemp (yarn and tissues of), i.e., yarn, tissues, and hosiery of flax and other vegetable textile materials, with the exception of cotton—	..	..	..	..	..	..	..
	(a.) Yarn, neither dyed, printed, nor bleached, also the same yarn, twisted, of jute or Manila hemp—								
	1. Up to No. 8 English ..	..	..	..	..	..	..	..	5 00
	Yarn of jute, up to No. 8 English ..	..	..	..	..	..	..	..	4 00
	2. Above No. 8, up to No. 20 English ..	..	..	..	..	..	..	..	6 00
	Yarn of jute above No. 8, up to No. 20 English ..	..	..	..	..	..	..	..	5 00
	3. Above No. 20, up to No. 35 English ..	..	..	..	..	..	..	..	9 00
	4. Above No. 35 English ..	..	..	..	..	..	..	..	12 00
	(c.) Sewing thread, assorted; twisted thread not comprised in letters (a), (b), and (d)	..	..	..	..	..	..	..	36 00
	(d.) Sewing thread, twisted, assorted, of flax or other vegetable filaments, with the exception of cotton ..	..	..	..	..	..	..	..	60 00
	(e.) Cordage—								
	1. Ropes, cables, including those bleached or tarred ..	..	..	..	..	..	..	..	10 00
	2. Rope-makers' wares of all kinds, with the exception of those mentioned under No. 1 ..	..	..	..	..	..	..	..	24 00

Articles of the German Tariff (in force from 1st February, 1882).	Description of Goods.	Unit.	Duty in Marks.
<i>ex</i> 22	<p>Flax and hemp (yarn and tissues of) (<i>continued</i>)—</p> <p><i>ex</i> (<i>f</i>.) Linen cloth, tickings, and drills, neither dyed, printed, nor bleached—</p> <p>1. Having in the warp and woof per 4 centim. square up to 40 threads warp and woof included : carpets of Manila hemp, coir, jute, or similar fibres, not dyed</p> <p>Packing cloth of jute, of Manila hemp, or of other similar materials, with the exception of flax, neither dyed, printed, nor bleached, having in the warp and woof per 4 centim. square up to 40 threads</p> <p>(<i>k</i>.) Thread lace</p> <p><i>ex</i> (<i>e</i>.) 1. Wine in casks—</p> <p>Wine and must, in casks</p> <p>Red wine and must of red wine, for blending, under control</p> <p>Wine for the manufacture of cognac, under control</p> <p>(<i>f</i>.) Butter, whether artificial or not</p> <p><i>ex</i> (<i>g</i>.) 1. Butchers' meat, fresh, with the exception of pork</p> <p>Pork, fresh or prepared, except fresh or prepared bacon</p> <p>Extracts of meats and soup tablets</p> <p><i>ex</i> 2. Fish—</p> <p>7. Preserved in vinegar, oil, or spices, in barrels</p> <p>3. Poultry, of all kinds, killed</p> <p>Game, of all kinds, killed</p> <p>(<i>n</i>.) Caviar and its substitutes</p> <p>(<i>o</i>.) Hard cheese, of a millstone shape, weighing at least 50 kilog. each</p> <p>Other cheeses</p>	100 kilog.	12 00
<i>ex</i> 25	<p>(<i>k</i>.) Thread lace</p> <p><i>ex</i> (<i>e</i>.) 1. Wine in casks—</p> <p>Wine and must, in casks</p> <p>Red wine and must of red wine, for blending, under control</p> <p>Wine for the manufacture of cognac, under control</p> <p>(<i>f</i>.) Butter, whether artificial or not</p> <p><i>ex</i> (<i>g</i>.) 1. Butchers' meat, fresh, with the exception of pork</p> <p>Pork, fresh or prepared, except fresh or prepared bacon</p> <p>Extracts of meats and soup tablets</p> <p><i>ex</i> 2. Fish—</p> <p>7. Preserved in vinegar, oil, or spices, in barrels</p> <p>3. Poultry, of all kinds, killed</p> <p>Game, of all kinds, killed</p> <p>(<i>n</i>.) Caviar and its substitutes</p> <p>(<i>o</i>.) Hard cheese, of a millstone shape, weighing at least 50 kilog. each</p> <p>Other cheeses</p>	"	10 00
		"	600 00
		"	20 00
		"	10 00
		"	10 00
		"	16 00
		"	15 00
		"	17 00
		"	20 00
		"	12 00
		"	12 00
		"	150 00
		"	20 00
		"	15 00
		"	20 00

ex (p.)	Preserves, sweetmeats, and cakes of all kinds; fruits, spices, vegetables, and other alimentary substances (mushrooms, truffles, poultry, shellfish, and the like), preserved in sugar, vinegar, oil, salt, or dried, in bottles, tins, &c.; prepared mustard; capers, pickles, sauces, and other similar fine aliments	..	..	60 00
	Alimentary milk flour for infants (Nestlé's, &c.)	..	..	50 00
	(thorkins preserved in vinegar or brine (known as Znaim gherkins), with the addition of the spices mentioned in (i), No. 25, or with a slight addition of other vegetables, in barrels, jars, pots of earthenware or glass, &c.)	..	..	4 00
ex 2.	Fruits, grain, seeds, berries, leaves, flowers, mushrooms, and vegetables, dried, roasted, ground, simply cooked, or salted, when not included in any other number of the Tariff; juice of fruits and berries, cooked without sugar	..	..	4 00
	(g.) 2. Mill products of grain and pulse (peas, haricot beans, &c.), viz.: hulled or broken grain, groats, semolina, flour; bakers' common products	..	..	7 30
	(g.) Residues, solid, from the manufacture of oils, whether ground or not	..	..	Free.
ex (h.)	Goose grease, and other fatty substances, melted, such as oleomargarine, butter substitutes (a mixture of tallow-like greases and oil), beef marrow	100 kilog.	..	10 00
	(k.) Fish grease and fish oil	"	..	3 00
	(l.) Tallow, beef and mutton; bone fats, and other animal greases not elsewhere mentioned	"	..	2 00
	(a.) Unbleached or bleached half-manufactured pulp of rags	"	..	Free.
ex (b.)	Half-manufactured pulp, bleached or not, for paper-making, of wood, straw, esparto, or other fibres; grey blotting-paper, rough yellow straw paper; pasteboard, with the exception of card leather and glazed pasteboard	100 kilog.	..	1 00
	(c.) Packing paper not included in the above letter (b) and in the following letter (d), unsized	..	..	3 00
	(d.) Sized packing-paper	..	..	3 00
	Glazed pasteboard and card leather; press-boards	..	..	6 00
(e.)	Printing, writing, blotting, silk paper, of all kinds; and lithographed, printed, or ruled paper, for accounts, labels, way-bills, bills ("devices"), &c.	..	..	6 00
	Gilt and silvered paper; paper with gilt or silvered patterns, perforated paper, &c.; bands of such paper; artists' cardboard for painting or drawing	..	..	10 00

ex 26

ex 27

ex 39

(h.) Bulls and cows..	..	..	..	..	..	..	..	..	..	Each	..	9 00
(c.) Oxen ..	..	..	..	..	..	..	..	..	..	"	..	25 30

*Note to (c).—*The inhabitants of the frontier districts may introduce draught oxen of from 2½ to 5 years at the rate of 20 marks per head, on proof that such oxen are necessary for working land belonging to the importer.

(d.) Young bullocks and bulls and heifers up to 2½ years old..	..	..	..	..	..	..	..	..	..	"	..	5 00
(e.) Calves less than 6 weeks old..	..	..	..	..	..	..	..	..	..	"	..	3 00
(f.) Swine ..	..	..	..	..	..	..	..	..	..	"	..	5 00
(g.) Sucking pigs, weighing less than 10 kilog...	..	..	..	..	..	..	..	..	..	"	..	1 00
(h.) Sheep, ewes and rams	..	..	..	..	..	..	..	..	..	"	..	1 00
(i.) Lambs ..	..	..	..	..	..	..	..	..	..	"	..	0 50

ex 41

(a.) Wool, raw, dyed, milled; hair of animals, not mentioned elsewhere, raw, combed, boiled, dyed, or curled	..	..	..	..	..	..	..	..	..	..	..	Free.
(d.) 1. Cloth list	..	..	..	..	..	..	..	..	..	..	..	Free.
2. Coarse felts, neither printed nor dyed	..	..	..	..	..	..	..	..	..	..	..	3 00
5. Unprinted cloths and tissues, not included under Nos. 7 and 8—	..	..	..	..	..	..	..	..	..	100 kilog.	..	

a. Weighing more than 200 grammes per square metre, except those specially mentioned below ..

Undyed felted tissues of wool, including those combined with cotton or linen, endless woven, for the manufacture of wood and straw pulp, cellulose, and paper ..

6. a. Printed tissues not entering in the category of carpets, weighing more than 200 grammes per square metre; trimmings and button stuffs; plushes; tissues combined with metal threads ..

β. Printed wares not entering in the category of carpets, weighing 200 grammes or less per square metre ..

..	..	..	..	..	..	..	..	..	..	..	..	135 00
..	..	..	..	..	..	..	..	..	..	..	..	100 00
..	..	..	..	..	..	..	..	..	..	..	..	150 00
..	..	..	..	..	..	..	..	..	..	..	..	220 00

Note from his Excellency Count Schouvaloff, Russian Ambassador in Berlin, to his Excellency Baron von Marschall, Secretary of State for Foreign Affairs of the German Empire (Application of the Treaty of Commerce and Navigation to Finland).—Berlin, ^{January 20} February 10, 1894.

(Translation.)

M. LE BARON,

IN the course of an exchange of views which preceded the Conference at Berlin for negotiating a Treaty of Commerce and Navigation between Russia and Germany, the Imperial Russian Government, having decided to assimilate the Customs Tariff of the Grand Duchy of Finland with that of the Empire, thought it proper to declare its intention to proceed but gradually with the increase of the former of these Tariffs, as the Finnish Tariff is not to be definitively assimilated with the Russian Tariff until towards the end of 1903.

In actual confirmation of this intention the Imperial Russian Government, anxious to allay all uncertainty on this point, and as it would be disadvantageous to the development of external commercial relations, thinks it right at this stage to establish the principal terms for the gradual increase of the Finnish Tariff.

The Imperial Russian Government declares, therefore, that it is not its intention to proceed with this increase till the ^{19th}/_{31st} December, 1898; from that date forward the Finnish Tariff may be increased by 50 per cent. of the differences which will exist between the rates of the Russian and Finnish Tariffs; after the ^{18th}/_{31st} December, 1903, a new increase by 25 per cent. of the above differences may take place; from the ^{18th}/_{31st} December, 1903, forward the Russian Imperial Government reserves full and complete freedom of action respecting the ultimate assimilation of the Customs Tariff of the Grand Duchy of Finland with the Customs Tariff of the Empire.

Nevertheless, the above stipulations which regulate the manner of gradually increasing the Finnish Tariff do not deprive the competent authority of the Grand Duchy of Finland of the right to introduce into the said Tariff partial changes which may be rendered advisable by local commercial and industrial requirements.

It must be understood that the operation of the Treaty of Commerce and Navigation concluded on the ^{20th}/_{10th} January, 1894, between Russia and Germany, together with the provisions of the corresponding portion of the Final Protocol, which forms an integral part of the Treaty, will be extended to the Grand Duchy of Finland in the same manner which applies to it, and especially as regards the provisions of Articles VI, IX, and XIII of the Treaty.

Accept, &c.,

Baron von Marschall.

P. COUNT SCHOUVALOFF.

Note from his Excellency Baron von Marschall, Secretary of State for Foreign Affairs of the German Empire, to his Excellency Count Schouvaloff, Russian Ambassador at Berlin (Application of Treaty to Finland).—Berlin, February 10, 1894.

(Translation.)

M. LE COMTE,

IN the letter which your Excellency had the goodness to address to me to-day, you acquainted me with the following arrangements made by your Government respecting the assimilation of the Customs Tariff of the Grand Duchy of Finland to the Tariff of the Russian Empire.

According to your letter the Imperial Russian Government is prepared not to increase the Finnish Tariff before the ^{19th}/_{31st} December of the year 1898. From that date forward the Imperial Russian Government reserves to itself the right to increase the said Tariff by 50 per cent. of the differences which there may be between the Russian and Finnish Tariffs, and to introduce, after the ^{19th}/_{31st} December, 1901, a fresh increase of 25 per cent. on the said differences.

Notwithstanding the preceding stipulations, the Russian Imperial Government, while reserving to itself full and complete freedom of action respecting the ultimate assimilation of the Customs Tariff of the Grand Duchy of Finland to the Tariff of the Empire from and after the ^{19th}/_{31st} December, 1903, thinks it right to reserve to the competent authorities of the Grand Duchy of Finland the right to introduce into the said Tariff any partial changes which may be rendered advisable by local commercial and industrial requirements.

Your Excellency's letter states further that the Russian Imperial Government consents to the operation of the Treaty of Commerce and Navigation concluded on the ^{30th January}/_{10th February}, 1894, between Germany and Russia, together with the provisions of the first portion of the Final Protocol, which forms an integral part of the Treaty, being extended to the Grand Duchy of Finland in every matter which applies to it, and especially as regards the provisions laid down in Articles VI, IX, and XIII of the Treaty.

In the name of my Government, I hasten to take note of the declarations contained in your Excellency's above-mentioned communication.

Accept, &c.,

Count Schouvaloff.

BARON VON MARSCHALL.

MESSAGE of the President of the United States, on the Opening of Congress.— Washington, December 3, 1894.

TO THE CONGRESS OF THE UNITED STATES,

THE assemblage within the nation's legislative halls of those charged with the duty of making laws for the benefit of a general and free people impressively suggests the exacting obligation and inexorable responsibility involved in their task. At the threshold of such labour now to be undertaken by the Congress of the United States and in the discharge of an Executive duty enjoined by the Constitution I submit this communication, containing a brief statement of the condition of our national affairs, and recommending such legislation as seems to me necessary and expedient.

The history of our recent dealings with other nations, and our peaceful relations with them at this time, additionally demonstrate the advantage of consistently adhering to a firm but just foreign policy, free from envious or ambitious national schemes and characterized by entire honesty and sincerity.

During the past year, pursuant to a Law of Congress, Commissioners were appointed to the Antwerp Industrial Exposition. Though the participation of American exhibitors fell far short of completely illustrating our national ingenuity and industrial achievements, yet it was quite creditable in view of the brief time allowed for preparation.

I have endeavoured to impress upon the Belgian Government the needlessness and positive harmfulness of its restrictions upon the importation of certain of our food products, and have strongly urged that the rigid supervision and inspection under our laws be amply sufficient to prevent the exportation from this country of diseased cattle and unwholesome meat.

The termination of the civil war in Brazil has been followed by the general prevalence of peace and order. It appearing at an early stage of the insurrection that its course would call for unusual watchfulness on the part of this Government, our naval force in the harbour of Rio de Janeiro was strengthened. This precaution, however, satisfied, tended to restrict the issue to a simple trial of strength between the Brazilian Government and the insurgents, and to avoid complications which at times seemed imminent. Our firm attitude of neutrality was maintained to the end. The insurgents received no encouragement of eventual asylum from our Commanders. Such opposition as they encountered was for the protection of commerce, and was clearly justified by public law.

A serious tension of relations having arisen at the close of

war between Brazil and Portugal by reason of the escape of the insurgent Admiral da Gama and his followers, the friendly offices of our Representatives to those countries were exerted for the protection of the subjects of either within the territory of the other.

Although the Government of Brazil was duly notified that the commercial arrangement existing between the United States and that country, based on the 3rd section of the Tariff Act of 1890, was abrogated on the 28th August, 1894, by the taking effect of the Tariff Law now in force, that Government subsequently notified us of its intention to terminate such arrangement on the 1st day of January, 1895, in the exercise of the right reserved in the Agreement between the two countries. I invite attention to the correspondence between the Secretary of State and the Brazilian Minister on this subject.

The Commission organized under the Convention which we had entered into with Chile for the settlement of the outstanding claims of each Government against the other, adjourned at the end of the period stipulated for its continuance, leaving undetermined a number of American cases which had been duly presented. These claims are not barred, and negotiations are in progress for their submission to a new Tribunal.

On the 17th March last a new Treaty with China in further regulation of emigration was signed at Washington, and on the 13th August it received the sanction of the Senate. Ratification on the part of China and formal exchange are awaited to give effect to this mutually beneficial Convention.

A gratifying recognition of the uniform impartiality of this country towards all foreign States was manifested by the coincident request of the Chinese and Japanese Governments that the Agents of the United States should, within proper limits, afford protection to the subjects of the other during the suspension of diplomatic relations due to a state of war. This delicate office was accepted, and a misapprehension, which gave rise to the belief that in affording this kindly unofficial protection our Agents would exercise the same authority which the withdrawn Agents of the belligerents had exercised, was promptly corrected. Although the war between China and Japan endangers no policy of the United States, it deserves our gravest consideration, by reason of its disturbance of our growing commercial interests in the two countries and the increased dangers which may result to our citizens domiciled or sojourning in the interior of China.

Acting under a stipulation in our Treaty with Corea (the concluded with a Western Power) I felt constrained at the begin of the controversy to tender our good offices to induce an amiable arrangement of the initial difficulty growing out of the Jap

demands for administrative reforms in Corea; but the unhappy precipitation of actual hostilities defeated this kindly purpose.

Deploing the destructive war between the two most powerful of the Eastern nations and anxious that our commercial interests in those countries may be preserved and that the safety of our citizens there shall not be jeopardized, I would not hesitate to heed any intimation that our friendly aid for the honourable termination of hostilities would be acceptable to both belligerents.

A Convention has been finally concluded for the settlement by arbitration of the prolonged dispute with Equator growing out of the proceedings against Emilio Santos, a naturalized citizen of the United States.

Our relations with the Republic of France continue to be such as should exist between nations so long bound together by friendly sympathy and similarity in their form of government.

The recent cruel assassination of the President of this sister Republic called forth such universal expressions of sorrow and condolence from our people and Government as to leave no doubt of the depth and sincerity of our attachment. The resolutions passed by the Senate and House of Representatives on the occasion have been communicated to the widow of President Carnot.

Acting upon the reported discovery of Texas fever in cargoes of American cattle, the German prohibition against importations of live stock and fresh meats from this country has been revived. It is hoped that Germany will soon become convinced that the inhibition is as needless as it is harmful to mutual interests.

The German Government has protested against that provision of the Customs Tariff Act which imposes a discriminating duty of one-tenth of 1 cent a pound on sugars coming from countries paying an export bounty thereon, claiming that the exaction of such duty is in contravention of Articles V and IX of the Treaty of 1828 with Prussia.

In the interests of the commerce of both countries and to avoid even the accusation of Treaty violation, I recommend the repeal of so much of the Statute as imposes that duty, and I invite attention to the accompanying Report of the Secretary of State* containing a discussion of the questions raised by the German protests.

Early in the present year an agreement was reached with Great Britain concerning instructions to be given to the Naval Commanders of the two Governments in Behring Sea and the contiguous North Pacific Ocean, for their guidance in the execution of the award of the Paris Tribunal of Arbitration and the enforcement of the regulations therein prescribed, for the protection of seal life in

* See Correspondence between Germany and the United States, in this Volume.

the waters mentioned. An understanding has also been reached for the payment by the United States of 425,000 dollars, in full satisfaction of all claims which may be made by Great Britain for damages growing out of the controversy as to fur seals in Behring Sea, or the seizure of British vessels engaged in taking seal in those waters. The award and findings of the Paris Tribunal to a great extent determined the facts and principles upon which these claims should be adjusted, and they have been subjected by both Governments to a thorough examination upon the principles as well as the facts which they involve. I am convinced that a settlement upon the terms mentioned would be an equitable and advantageous one, and I recommend that provision be made for the prompt payment of the stated sum.

Thus far, only France and Portugal have signified their willingness to adhere to the regulations established under the award of the Paris Tribunal of Arbitration.

Preliminary surveys of the Alaskan boundary and a preparatory examination of the question of protection of food-fish in the contiguous waters of the United States and the Dominion of Canada are in progress.

The boundary of British Guiana still remains in dispute between Great Britain and Venezuela. Believing that its early settlement, on some just basis alike honourable to both parties, is in the line of our established policy to remove from this hemisphere all causes of difference with Powers beyond the sea, I shall renew the efforts heretofore made to bring about a restoration of diplomatic relations between the disputants and to induce a reference to arbitration, a resort which Great Britain so conspicuously favours in principle and respects in practice, and which is earnestly sought by her weaker adversary.

Since communicating the voluminous correspondence in regard to Hawaii and the action taken by the Senate and House of Representatives on certain questions submitted to the judgment and wider discretion of Congress, the organization of a Government in place of the provisional arrangement which followed the deposition of the Queen has been announced with evidence of its effective operation. The recognition usual in such cases has been accorded the new Government.

Under our present Treaties of Extradition with Italy miscarriages of justice have occurred, owing to the refusal of that Government to surrender its own subjects. Thus far our efforts to negotiate an amended Convention obviating this difficulty have been unavailing.

Apart from the war in which the Island Empire is engaged Japan attracts increased attention in this country by her eviden-

desire to cultivate more liberal intercourse with us, and to seek our kindly aid in furtherance of her laudable desire for complete autonomy in her domestic affairs and full equality in the family of nations. The Japanese Empire of to-day is no longer the Japan of the past, and our relations with this progressive nation should not be less broad and liberal than those with other Powers.

Good-will fostered by many interests in common has marked our relations with our nearest southern neighbour. Peace being restored along her northern frontier, Mexico has asked the punishment of the late disturbers of her tranquillity. There ought to be a new Treaty of Commerce and Navigation with that country to take the place of the one which terminated thirteen years ago. The friendliness of the intercourse between the two countries is attested by the fact that during this long period the commerce of each has steadily increased under the rule of mutual consideration, being neither stimulated by conventional arrangements nor retarded by jealous rivalries or selfish distrust.

An indemnity tendered by Mexico, as a gracious act, for the murder, in 1887, of Leon Baldwin, an American citizen, by a band of marauders in Durango, has been accepted and is being paid in instalments.

The problem of the storage and use of the waters of the Rio Grande for irrigation should be solved by appropriate concurrent action of the two interested countries. Rising in the Colorado heights, the stream flows intermittently, yielding little water during the dry months to the irrigating channels already constructed along its course. This scarcity is often severely felt in the regions where the river forms a common boundary. Moreover the frequent changes in its course through level sands often raise embarrassing questions of territorial jurisdiction.

Prominent among the questions of the year was the Bluefields incident, in what is known as the Mosquito Indian Strip, bordering on the Atlantic Ocean and within the jurisdiction of Nicaragua. By the Treaty of 1860 between Great Britain and Nicaragua the former Government expressly recognized the sovereignty of the latter over the Strip, and a limited form of self-government was guaranteed to the Mosquito Indians, to be exercised according to their customs, for themselves and other dwellers within its limits. The so-called Native Government, which grew to be largely made up of aliens, for many years disputed the sovereignty of Nicaragua over the Strip and claimed the right to maintain therein a practically independent Municipal Government. Early in the past year efforts of Nicaragua to maintain sovereignty over the Mosquito Territory led to serious disturbances, culminating in the suppression of the Native Government, and the attempted substitution of

an impracticable composite Administration, in which Nicaragua and alien residents were to participate. Failure was followed by an insurrection which for a time subverted Nicaraguan rule, expelling her officers and restoring the old organization. This, in turn, gave place to the existing Local Government established and upheld by Nicaragua.

Although the alien interests arrayed against Nicaragua in these transactions have been largely American, and the commerce of that region for some time has been and still is chiefly controlled by our citizens, we cannot for that reason challenge the rightful sovereignty of Nicaragua over this important part of her domain.

For some months one, and during part of the time two, of our naval ships have been stationed at Bluefields for the protection of all legitimate interests of our citizens. In September last the Government at Managua expelled from its territory twelve or more foreigners, including two Americans, for alleged participation in the seditious or revolutionary movements against the Republic at Bluefields already mentioned; but through the earnest remonstrance of this Government the two Americans have been permitted to return to the peaceful management of their business. Our Naval Commanders at the scene of these disturbances, by their constant exhibition of firmness and good judgment, contributed largely to the prevention of more serious consequences and to the restoration of quiet and order. I regret that in the midst of these occurrences there happened a most grave and irritating failure of Nicaraguan justice. An American citizen named Wilson, residing at Rama, in the Mosquito Territory, was murdered by one Argüello, the Acting Governor of the town. After some delay the murderer was arrested, but so insecurely confined or guarded that he escaped, and notwithstanding our repeated demands it is claimed that his recapture has been impossible by reason of his flight beyond Nicaraguan jurisdiction.

The Nicaraguan authorities having given notice of forfeiture of their concession to the Canal Company on grounds purely technical and not embraced in the contract, have receded from that position.

Peru, I regret to say, shows symptoms of domestic disturbance, due probably to the slowness of her recuperation from the distresses of the war of 1881. Weakened in resources, her difficulties in facing international obligations invite our kindly sympathy and justify our forbearance in pressing long-pending claims. I have felt constrained to testify this sympathy in connection with certain demands urgently preferred by other Powers.

The recent death of the Czar of Russia called forth appropriate expressions of sorrow and sympathy on the part of our Government with his bereaved family and the Russian people. As a

further demonstration of respect and friendship our Minister at St. Petersburg was directed to represent our Government at the funeral ceremonies.

The sealing interests of Russia in Behring Sea are second only to our own. A *modus vivendi* has therefore been concluded with the Imperial Government restrictive of poaching on the Russian rookeries and of sealing in waters which were not comprehended in the protected area defined in the Paris award.

Occasion has been found to urge upon the Russian Government equality of treatment for our great life-insurance companies whose operations have been extended throughout Europe. Admitting, as we do, foreign corporations to transact business in the United States, we naturally expect no less tolerance for our own in the ample fields of competition abroad.

But few cases of interference with naturalized citizens returning to Russia have been reported during the current year. One Krzeminski was arrested last summer in a Polish province, on a reported charge of unpermitted renunciation of Russian allegiance, but it transpired that the proceedings originated in alleged malfeasance committed by Krzeminski while an Imperial official a number of years ago. Efforts for his release, which promised to be successful, were in progress when his death was reported.

The Government of Salvador having been overthrown by an abrupt popular outbreak, certain of its military and civil officers, while hotly pursued by infuriated insurgents, sought refuge on board the United States' war-ship *Bennington*, then lying in a Salvadorean port. Although the practice of asylum is not favoured by this Government, yet in view of the imminent peril which threatened the fugitives, and solely from considerations of humanity, they were afforded shelter by our Naval Commander, and when afterwards demanded under our Treaty of Extradition with Salvador for trial on charges of murder, arson, and robbery, I directed that such of them as had not voluntarily left the ship be conveyed to one of our nearest ports where a hearing could be had before a judicial officer in compliance with the terms of the Treaty. On their arrival at San Francisco such a proceeding was promptly instituted before the United States' District Judge, who held that the acts constituting the alleged offences were political, and discharged all the accused except one Cienfuegos, who was held for an attempt to murder. Thereupon I was constrained to direct his release, for the reason that an attempt to murder was not one of the crimes charged against him and upon which his surrender to the Salvadorean authorities had been demanded.

Unreasonable and unjust fines imposed by Spain on the vessels and commerce of the United States have demanded from time to

time during the last twenty years earnest remonstrance on the part of our Government. In the immediate past exorbitant penalties have been imposed upon our vessels and goods by Customs authorities of Cuba and Porto Rico for clerical errors of the most trivial character in the manifests or bills of lading. In some cases fines amounting to thousands of dollars have been levied upon cargoes or the carrying vessels when the goods in question were entitled to free entry. Fines have been exacted even when the error had been detected and the Spanish authorities notified before the arrival of the goods in port.

This conduct is in strange contrast with the considerate and liberal treatment extended to Spanish vessels and cargoes in our ports in like cases. No satisfactory settlement of these vexatious questions has yet been reached.

The Mora case, referred to in my last Annual Message, remains unsettled. From the diplomatic correspondence on this subject, which has been laid before the Senate, it will be seen that this Government has offered to conclude a Convention with Spain for disposal by arbitration of outstanding claims between the two countries, except the Mora claim, which, having been long ago adjusted, now only awaits payment as stipulated, and of course it could not be included in the proposed Convention. It was hoped that this offer would remove Parliamentary obstacles encountered by the Spanish Government in providing payment of the Mora indemnity. I regret to say that no definite reply to this offer has yet been made, and all efforts to secure payment of this settled claim have been unavailing.

In my last Annual Message I adverted to the claim on the part of Turkey of the right to expel, as persons undesirable and dangerous, Armenians naturalized in the United States and returning to Turkish jurisdiction. Numerous questions in this relation have arisen. While this Government acquiesces in the asserted right of expulsion it will not consent that Armenians may be imprisoned or otherwise punished for no other reason than having acquired without Imperial consent American citizenship.

Three of the assailants of Miss Melton, an American teacher in Mosul, have been convicted by the Ottoman Courts, and I am advised that an appeal against the acquittal of the remaining five has been taken by the Turkish prosecuting officer.

A Convention has been concluded with Venezuela for the arbitration of a long disputed claim growing out of the seizure of certain vessels, the property of citizens of the United States. Although signed, the Treaty of Extradition with Venezuela is not yet in force, owing to the insistence of that Government that, when surrendered, its citizens shall in no case be liable to capital punishment.

The rules for the prevention of collisions at sea which were framed by the Maritime Conference held in this city in 1889 having been concurrently incorporated in the Statutes of the United States and Great Britain, have been announced to take effect on the 1st March, 1895, and invitations have been extended to all maritime nations to adhere to them. Favourable responses have thus far been received from Austria, France, Portugal, Spain, and Sweden.

In my last Annual Message I referred briefly to the unsatisfactory state of affairs in Samoa under the operation of the Berlin Treaty, as signally illustrating the impolicy of entangling alliances with foreign Powers; and on the 9th May, 1894, in response to a resolution of the Senate, I sent a special message and documents to that body on the same subject, which emphasized my previously expressed opinions. Later occurrences, the correspondence in regard to which will be laid before Congress, further demonstrate that the Government which was devised by the three Powers and forced upon the Samoans against their inveterate hostility can be maintained only by the continued presence of foreign military force and at no small sacrifice of life and treasure.

The suppression of the Mataafa insurrection by the Powers, and the subsequent banishment of the leader and eleven other Chiefs, as recited in my last Message, did not bring lasting peace to the islands. Formidable uprisings continued, and finally a rebellion broke out in the capital island, Upolu, headed in Aana, the western district, by the younger Tamasese, and in Atua, the eastern district, by other leaders. The insurgents ravaged the country and fought the Government's troops up to the very doors of Apia. The King again appealed to the Powers for help, and the combined British and German naval forces reduced the Atuans to apparent subjection, not however without considerable loss to the natives. A few days later Tamasese and his adherents, fearing the ships and the marines, professed submission.

Reports received from our Agents at Apia do not justify the belief that the peace thus brought about will be of long duration. It is their conviction that the natives are at heart hostile to the present Government; that such of them as profess loyalty to it do so from fear of the Powers, and that it would speedily go to pieces if the war ships were withdrawn. In reporting to his Government on the unsatisfactory situation since the suppression of the late revolt by foreign armed forces, the German Consul at Apia stated:—

“That peace will be lasting is hardly to be presumed. The lesson given by firing on Atua was not sufficiently sharp and incisive to leave a lasting impression on the forgetful Samoan temperament. In fact, conditions are existing which show that

peace will not last and is not seriously intended. Malietoa, the King, and his Chiefs are convinced that the departure of the war ships will be a signal for a renewal of war. The circumstance that the representatives of the villages of all the districts which were opposed to the Government have already withdrawn to Atua to hold meetings, and that both Atua and Aana have forbidden inhabitants of those districts which fought on the side of the Government to return to their villages and have already partly burned down the latter, indicates that a real conciliation of the parties is still far off."

And in a note of the 10th ultimo, inclosing a copy of that Report for the information of this Government, the German Ambassador said:—

"The contents of the Report awakened the Imperial Government's apprehension that under existing circumstances the peace concluded with the rebels will afford no assurance of the lasting restoration of tranquillity in the islands."

The present Government has utterly failed to correct, if, indeed, it has not aggravated, the very evils it was intended to prevent. It has not stimulated our commerce with the islands. Our participation in its establishment against the wishes of the natives was in plain defiance of the conservative teachings and warnings of the wise and patriotic men who laid the foundations of our free institutions, and I invite an expression of the judgment of Congress on the propriety of steps being taken by this Government looking to the withdrawal from its engagements with the other Powers on some reasonable terms not prejudicial to any of our existing rights.

The Secretary of the Treasury reports that the receipts of the Government from all sources of revenue during the fiscal year ending the 30th June, 1894, amounted to 372,802,498 dol. 29 c., and its expenditures to 442,605,758 dol. 87 c., leaving a deficit of 69,803,260 dol. 58 c. There was a decrease of 15,952,674 dol. 66 c. in the ordinary expenses of the Government, as compared with the fiscal year 1893.

There was collected from customs 131,818,530 dol. 62 c., and from internal revenue 147,168,449 dol. 70 c. The balance of the income for the year, amounting to 93,815,517 dol. 97 c., was derived from the sales of land and other sources.

The value of our total dutiable imports amounted to 275,199,086 dollars, being 146,657,625 dollars less than during the preceding year, and the importations free of duty amounted to 379,795,536 dollars, being 64,748,675 dollars less than during the preceding year. The receipts from customs were 73,586,486 dol. 11 c. less, and from internal revenue 13,886,539 dol. 97 c. less than in 1893.

The total tax collected from distilled spirits was 85, dol. 25 c.; on manufactured tobacco, 28,617,898 dol. 62 c.; fermented liquors, 31,414,768 dol. 4 c.

Our exports of merchandize, domestic and foreign, and during the year to 892,140,572 dollars, being an increase over the preceding year of 44,495,378 dollars.

The amount of gold exported during the fiscal year 1894, was 76,898,061 dollars as against 108,680,444 dollars during the year 1893. The amount imported was 72,449,119 dollars, as against 21,174,381 dollars during the previous year.

The imports of silver were 13,286,552 dollars, and the exports were 50,451,265 dollars.

The total bounty paid upon the production of sugar in the United States for the fiscal year 1894 was 12,100,208 dol. 89 c., an increase of 2,725,078 dol. 1 c. over the payments made during the preceding year. The amount of bounty paid from the 1st of January, 1894, to the 28th August, 1894, the time when further payment ceased by operation of law, was 966,185 dol. 84 c. The expenses incurred in the payment of the bounty upon sugar during the fiscal year was 130,140 dol. 85 c.

It is estimated that upon the basis of the present revenue the receipts of the Government during the current fiscal year ending on the 30th June, 1895, will be 424,427,748 dol. 44 c., and its expenditures 444,427,748 dol. 44 c., resulting in a deficit of 20,000,000 dollars.

On the 1st day of November, 1894, the total stock of money of all kinds in the country was 2,240,773,888 dollars, as against 2,204,651,000 dollars on the 1st day of November, 1893, and the money of all kinds in circulation, or not included in the Treasury holdings, was 1,672,093,422 dollars, or 24 dol. 27 c. per man upon an estimated population of 68,887,000. At the same time there was held in the Treasury gold bullion amounting to 44,615,177 dol. 55 c., and silver bullion which was purchased at a cost of 127,779,988 dollars. The purchase of silver bullion under the Act of the 14th July, 1890, ceased on the 1st day of November, 1893, and up to that time there had been purchased during the fiscal year 11,917,658.78 fine ounces at a cost of 8,715,521 dol. 85 c., an average cost of $73\frac{1}{8}$ cents per fine ounce. The total amount of silver purchased from the time that Law took effect under the repeal of its purchasing clause, on the date last mentioned, was 168,674,682.53 fine ounces, which cost 155,931,002 dol. 25 c., an average price per fine ounce being $92\frac{1}{8}$ cents.

The total amount of standard silver dollars coined at the mint of the United States since the passage of the Act of the 22nd February, 1878, is 421,776,408 dollars, of which 378,166,793

were coined under the provisions of that Act, 38,531,143 dollars under the provisions of the Act of the 14th July, 1890, and 5,078,472 dollars under the Act providing for the coinage of trade-dollar bullion.

The total coinage of all metals at our mints during the last fiscal year consisted of 63,485,220 pieces valued at 106,216,730 dol. 6 c.; of which there were 99,474,912 dol. 50 c. in gold coined; 758 dollars in standard silver dollars; 6,024,140 dol. 30 c. in subsidiary silver coin; and 716,919 dol. 26 c. in minor coin.

During the calendar year 1893 the production of precious metals in the United States was estimated at 1,739,323 fine ounces of gold, of the commercial and coinage value of 35,955,000 dollars, and 60,000,000 fine ounces of silver, of the bullion or market value of 46,800,000 dollars, and of the coinage value of 77,576,000 dollars. It is estimated that on the 1st day of July, 1894, the stock of metallic money in the United States, consisting of coin and bullion, amounted to 1,251,640,958 dollars, of which 627,923,201 dollars was gold and 624,347,757 dollars was silver.

Fifty national banks were organized during the year ending the 31st October, 1894, with a capital of 5,285,000 dollars, and seventy-nine with a capital of 10,475,000 dollars, went into voluntary liquidation. Twenty-one banks, with a capital of 2,770,000 dollars, were placed in the hands of receivers. The total number of national banks in existence on the 31st day of October last was 3,756, being forty less than on the 31st day of October, 1893. The capital stock paid in was 672,671,365 dollars, being 9,678,491 dollars less than at the same time in the previous year, and the surplus fund and undivided profits, less expenses and taxes paid, amounted to 334,121,082 dol. 10 c., which was 16,089,780 dollars less than on the 31st October, 1893. The circulation was decreased 1,741,563 dollars. The obligations of the banks to each other were increased 117,268,334 dollars, and the individual deposits were 277,294,489 dollars less than at the corresponding date in the previous year. Loans and discounts were 161,206,923 dollars more than at the same time the previous year, and checks and other cash items were 90,349,963 dollars more. The total resources of the banks at the date mentioned amounted to 3,473,922,055 dollars, as against 3,109,563,284 dol. 36 c. in 1893.

From the Report of the Secretary of War it appears that the strength of the army on the 30th September, 1894, was 2,135 officers and 25,765 enlisted men. Although this is apparently a very slight decrease compared with the previous year, the actual effective force has been increased to the equivalent of nearly two regiments through the reorganization of the system of recruiting, and the consequent release to regimental duty of the large force of men

hitherto serving at the recruiting depôts. The abolition of these depôts, it is predicted, will furthermore effect an annual reduction approximating to 250,000 dollars in the direct expenditures, besides promoting generally the health, morale, and discipline of the troops.

The execution of the policy of concentrating the army at important centres of population and transportation, foreshadowed in the last Annual Report of the Secretary, has resulted in the abandonment of fifteen of the smaller posts, which was effected under a plan which assembles organizations of the same regiments hitherto widely separated. This renders our small forces more readily effective for any service which they may be called upon to perform, increases the extent of the territory under protection without diminishing the security heretofore afforded to any locality, improves the discipline, training, and *esprit de corps* of the army, besides considerably decreasing the cost of its maintenance.

Though the forces of the Department of the East have been somewhat increased, more than three-fourths of the army is still stationed west of the Mississippi. This carefully matured policy, which secures the best and greatest service in the interests of the general welfare from the small force comprising our regular army, should not be thoughtlessly embarrassed by the creation of new and unnecessary posts through acts of Congress to gratify the ambitions or interests of localities.

While the maximum legal strength of the army is 25,000 men, the effective strength, through various causes, is but little over 20,000 men. The purpose of Congress does not, therefore, seem to be fully attained by the existing condition. While no considerable increase in the army is in my judgment demanded by recent events, the policy of sea-coast fortification, in the prosecution of which we have been steadily engaged for some years, has so far developed as to suggest that the effective strength of the army be now made at least equal to the legal strength. Measures taken by the Department during the year, as indicated, have already considerably augmented the effective force, and the Secretary of War presents a plan, which I recommend to the consideration of Congress, to attain the desired end. Economies effected in the Department in other lines of its work will offset to a great extent the expenditure involved in the proposition submitted. Among other things this contemplates the adoption of the three battalion formation of regiments, which for several years has been indorsed by the Secretaries of War and the Generals commanding the army. Compact in itself, it provides a skeleton organization, ready to be filled out in the event of war, which is peculiarly adapted to our strength and requirements; and the fact that every other nation,

with a single exception, has adopted this formation to meet the conditions of modern warfare, should alone secure for the recommendation an early consideration.

It is hardly necessary to recall the fact that in obedience to the commands of the Constitution and the laws, and for the purpose of protecting the property of the United States, aiding the process of Federal Courts, and removing lawless obstructions to the performance by the Government of its legitimate functions, it became necessary in various localities during the year to employ a considerable portion of the regular troops. The duty was discharged promptly, courageously, and with marked discretion by the officers and men, and the most gratifying proof was thus afforded that the army deserves that complete confidence in its efficiency and discipline which the country has at all times manifested.

The year has been free from disturbances by Indians, and the chances of further depredations on their part are constantly becoming more remote and improbable.

The total expenditures for the War Department for the year ended the 30th June, 1894, amounted to 56,039,009 dol. 34 c. Of this sum, 2,000,614 dol. 99 c. was for salaries and contingent expenses, 23,665,156 dol. 16 c. for the support of the military establishment, 5,001,682 dol. 23 c. for miscellaneous objects, and 25,371,555 dol. 96 c. for public works. This latter sum includes 19,494,037 dol. 49 c. for river and harbour improvements, and 3,947,863 dol. 56 c. for fortifications and other works of defence. The appropriations for the current year aggregate 52,429,112 dol. 78 c., and the estimates submitted by the Secretary of War for the next fiscal year call for appropriations amounting to 52,318,629 dol. 55 c.

The skill and industry of our ordnance officers and inventors have, it is believed, overcome the mechanical obstacles which have heretofore delayed the armament of our coasts, and this great national undertaking upon which we have entered may now proceed as rapidly as Congress shall determine. With a supply of finished guns of large calibre already on hand, to which additions should now rapidly follow, the wisdom of providing carriages and emplacements for their mount cannot be too strongly urged.

The total enrolment of the militia of the several States is 117,583 officers and enlisted men, an increase of 5,343 over the number reported at the close of the previous year. The reports of militia inspections by regular army officers show a marked increase in interest and efficiency among the State organizations, and I strongly recommend a continuance of the policy of affording every practical encouragement possible to this important auxiliary of our military establishment.

The conditions of the Apache Indians, held as prisoners of Government for eight years at a cost of half a million dollars, have been changed during the year from captivity to one which gives them an opportunity to demonstrate their capacity for self-reliance and at least partial civilization. Legislation enacted at the Session of Congress gave the War Department authority to send the survivors, numbering 846, from Mount Vernon Barracks, Alabama, to any suitable reservation. The Department selected for their future home the military lands near Fort Sill, Indian Territory, where, under military surveillance, the former prisoners have been established in agriculture under conditions favourable to their advancement.

In recognition of the long and distinguished military service and faithful discharge of delicate and responsible civil duties of Major-General John M. Schofield, now the General command of the army, it is suggested to Congress that the temporary revival of the grade of Lieutenant-General in his behalf would be a judicious and gracious act, and would permit his retirement, now near at hand, with rank befitting his merits.

The Report of the Attorney-General notes the great progress made by the Supreme Court in overcoming the arrears of its business, and in reaching a condition in which it will be able to dispose of cases as they arise without any unreasonable delay. This result is, of course, very largely due to the successful working of the plan inaugurating Circuit Courts of Appeal. In respect to these Tribunals the suggestion is made, in quarters entitled to the highest consideration, that an additional Circuit Judge for each circuit would greatly strengthen these Courts and the confidence reposed in their adjudication; and that such an addition would create a greater force of Judges than the increasing business of such Courts requires. I commend the suggestion to the consideration of the Congress. Other important topics are also mentioned in the Report, accompanied by recommendations, many of which have been treated at large in previous Messages, and at this time, therefore, need only be named. I refer to the abolition of the pension system as a measure of compensation to Federal officers; the enlargement of the powers of United States' Commissioners; at least in the Territories; the allowance of writs of error in cases on behalf of the United States; and the establishment of degrees in the crime of murder. A topic dealt with by the Attorney-General of much importance is the condition of the administration of justice in the Indian Territory. The permanent solution of what is called the Indian problem is probably not expected at once, but meanwhile such ameliorations of the conditions as the existing system will admit of ought not to be neglected.

neglected. I am satisfied there should be a Federal Court established for the Territory, with sufficient Judges, and that this Court should sit within the Territory, and have the same jurisdiction as to Territorial affairs as is now vested in the Federal Courts sitting in Arkansas and Texas.

Another subject of pressing moment referred to by the Attorney-General is the reorganization of the Union Pacific Railway Company on a basis equitable as regards all private interests and as favourable to the Government as existing conditions will permit. The operation of a railroad by a Court through a receiver is an anomalous state of things which should be terminated, on all grounds, public and private, at the earliest possible moment. Besides, not to enact the needed enabling legislation at the present Session postpones the whole matter until the assembling of a new Congress, and inevitably increases all the complications of the situation, and could not but be regarded as a signal failure to solve a problem which has practically been before the present Congress ever since its organization.

Eight years ago in my Annual Message I urged upon the Congress as strongly as I could the location and construction of two prisons for the confinement of United States' prisoners. A similar recommendation has been made from time to time since, and a few years ago a law was passed providing for the selection of sites for three such institutions. No appropriation has, however, been made to carry the Act into effect, and the old and discreditable condition still exists.

It is not my purpose at this time to repeat the considerations which make an impregnable case in favour of the ownership and management by the Government of the penal institutions in which Federal prisoners are confined. I simply desire to again urge former recommendations on the subject, and to particularly call the attention of the Congress to that part of the Report of the Secretary of War in which he states that the military prison at Fort Leavenworth, Kansas, can be turned over to the Government as a prison for Federal convicts without the least difficulty and with an actual saving of money from every point of view.

Pending a more complete reform, I hope that by the adoption of the suggestion of the Secretary of War this easy step may be taken in the direction of the proper care of its convicts by the Government of the United States.

The Report of the Postmaster-General presents a comprehensive statement of the operations of the Post Office Department for the last fiscal year.

The receipts of the Department during the year amounted to 75,060,479 dol. 4 c., and the expenditures to 84,324,414 dol. 15 c.

The transactions of the postal service indicate with barometric certainty the fluctuations in the business of the country. Inasmuch, therefore, as business complications continued to exist throughout the last year to an unforeseen extent, it is not surprising that the deficiency of revenue to meet the expenditures of the Post Office Department, which was estimated in advance at about eight million dollars, should be exceeded by nearly one and a-quarter million dollars. The ascertained revenues of the last year, which were the basis of calculation for the current year, being less than estimated, the deficiency for the current year will be correspondingly greater, though the Postmaster-General states that the latest indications are so favourable that he confidently predicts an increase of at least 8 per cent. in the revenues of the current year over those of the last year.

The expenditures increase steadily and necessarily with the growth and needs of the country, so that the deficiency is greater or less in any year depending upon the volume of receipts.

The Postmaster-General states that this deficiency is unnecessary, and might be obviated at once if the law regulating rates upon mail matter of the second class was modified. The rate received for the transmission of this second class matter is 1 cent per lb., while the cost of such transmission to the Government is eight times that amount. In the general terms of the law this rate covers newspapers and periodicals. The extensions of the meaning of these terms from time to time have admitted to the privileges intended for legitimate newspapers and periodicals a surprising range of publications, and created abuses the cost of which amount in the aggregate to the total deficiency of the Post Office Department. Pretended newspapers are started by business houses for the mere purpose of advertising goods, complying with the law in form only, and discontinuing the publications as soon as the period of advertising is over. "Sample copies" of pretended newspapers are issued in great numbers for a like purpose only. The result is a great loss of revenue to the Government, besides its humiliating use as an agency to aid in carrying out the scheme of a business house to advertise its goods by means of a trick upon both its rival houses and the regular and legitimate newspapers. Paper-covered literature, consisting mainly of trashy novels to the extent of many thousands of tons, is sent through the mails at 1 cent per lb., while the publishers of standard works are required to pay eight times that amount in sending their publications. Another abuse consists in the free carriage through the mails of hundreds of tons of seed and grain, uselessly distributed through the Department of Agriculture. The Postmaster-General predicts that if the law be so amended as to eradicate these abuses, not only will the Post Office

Department show no deficiency, but he believes that in the near future all legitimate newspapers and periodical magazines might be properly transmitted through the mails to their subscribers free of cost. I invite your prompt consideration of this subject, and fully indorse the views of the Postmaster-General.

The total number of post-offices in the United States on the 30th day of June, 1894, was 69,805, an increase of 1,403 over the preceding year. Of these 3,428 were Presidential, an increase in that class of 68 over the preceding year.

Six hundred and ten cities and towns are provided with free delivery. Ninety-three other cities and towns entitled to this service under the law have not been accorded it on account of insufficient funds. The expense of free delivery for the current fiscal year will be more than 12,300,000 dollars, and under existing legislation this item of expenditure is subject to constant increase. The estimated cost of rural free delivery generally is so very large that it ought not to be considered in the present condition of affairs.

During the year 830 additional domestic money-order offices were established. The total number of these offices at the close of the year was 19,264. There were 14,304,041 money orders issued during the year, being an increase over the preceding year of 994,306. The value of these orders amounted to 138,793,579 dol. 49 c., an increase of 11,217,145 dol. 84 c. There were also issued during the year postal notes amounting to 12,649,094 dol. 55 c.

During the year 218 international money-order offices were added to those already established, making a total of 2,625 such offices in operation the 30th June, 1894. The number of international money orders issued during the year was 917,823, a decrease in number of 138,176; and their value was 13,792,455 dol. 31 c., a decrease in amount of 2,549,382 dol. 55 c. The number of orders paid was 361,180, an increase over the preceding year of 60,263, and their value was 6,568,493 dol. 78 c., an increase of 1,285,118 dol. 8 c.

From the foregoing statements it appears that the total issue of money orders and postal notes for the year amounted to 165,235,129 dol. 35 c.

The number of letters and packages mailed during the year for special delivery was 3,436,970. The special delivery stamps used upon these letters and packages amounted to 343,697 dollars. The messengers' fees paid for their delivery amounted to 261,209 dol. 70 c., leaving a balance in favour of the Government of 82,487 dol. 30 c.

The Report shows most gratifying results in the way of economies worked out without affecting the efficiency of the postal service. These consist in the abrogation of steam-ship subaid contracts, reletting of mail transportation contracts, and in the

cost and amount of supplies used in the service, amounting in all to 16,619,047 dol. 42 c.

This Report also contains a valuable contribution to the history of the Universal Postal Union, an arrangement which amounts practically to the establishment of one postal system for the entire civilized world. Special attention is directed to this subject at this time, in view of the fact that the next Congress of the Union will meet in Washington in 1897, and it is hoped that timely action will be taken in the direction of perfecting preparations for that event.

The Postmaster-General renews the suggestion made in a previous Report that the Department organization be increased to the extent of creating a direct district supervision of all postal affairs, and in this suggestion I fully concur.

There are now connected with the Post Office Establishment 32,661 employees who are in the classified service. This includes many who have been classified upon the suggestion of the Postmaster-General. He states that another year's experience at the head of the Department serves only to strengthen the conviction as to the excellent working of the civil service law in this branch of the public service.

Attention is called to the Report of the Secretary of the Navy, which shows very gratifying progress in the construction of ships for our new navy. All the vessels now building, including the three torpedo-boats authorized at the last Session of Congress, and excepting the first class battle-ship *Iowa*, will probably be completed during the coming fiscal year.

The estimates for the increase of the navy for the year ending the 30th June, 1896, are large, but they include practically the entire sum necessary to complete and equip all the new ships not now in commission; so that, unless new ships are authorized, the appropriations for the naval service for the fiscal year ending the 30th June, 1897, should fall below the estimates for the coming year by at least 12,000,000 dollars.

The Secretary presents with much earnestness a plea for the authorization of three additional battle-ships and ten or twelve torpedo-boats. While the unarmoured vessels heretofore authorized, including those now nearing completion, will constitute a fleet which it is believed is sufficient for ordinary cruising purposes in time of peace, we have now completed and in process of construction but four first class battle-ships and but few torpedo-boats. If we are to have a navy for warlike operations, offensive and defensive, we certainly ought to increase both the number of battle-ships and torpedo-boats.

The manufacture of armour requires expensive plant and the

aggregation of many skilled workmen. All the armour necessary to complete the vessels now building will be delivered before the 1st June next. If no new contracts are given out, contractors must disband their workmen and their plants must lie idle. Battle-ships authorized at this time would not be well under way until late in the coming fiscal year, and at least three years and a-half from the date of the contract would be required for their completion. The Secretary states that not more than 15 per cent. of the cost of such ships need be included in the appropriations for the coming year.

I recommend that provision be made for the construction of additional battle-ships and torpedo-boats.

The Secretary recommends the manufacture not only of a reserve supply of ordnance and ordnance material for ships of the navy, but also a supply for the auxiliary fleet. Guns and their appurtenances should be provided and kept on hand for both these purposes. We have not to-day a single gun that could be put upon the ships *Paris* or *New York* of the International Navigation Company, or any other ship of our reserve navy.

The manufacture of guns at the Washington navy-yard is proceeding satisfactorily, and none of our new ships will be required to wait for their guns or ordnance equipment.

An important order has been issued by the Secretary of the Navy co-ordinating the duties of the several bureaus concerned in the construction of ships. This order, it is believed, will secure to a greater extent than has heretofore been possible the harmonious action of these several bureaus, and make the attainment of the best results more certain.

During the past fiscal year there has been an unusual and pressing demand in many quarters of the world for the presence of vessels to guard American interests.

In January last, during the Brazilian insurrection, a large fleet was concentrated in the harbour of Rio de Janeiro. The vigorous action of Rear-Admiral Benham in protecting the personal and commercial rights of our citizens during the disturbed conditions afforded results which will, it is believed, have a far-reaching and wholesome influence whenever in like circumstances it may become necessary for our Naval Commanders to interfere on behalf of our people in foreign ports.

The war now in progress between China and Japan has rendered it necessary or expedient to dispatch eight vessels to those waters.

Both the Secretary of the Navy and the Secretary of the Treasury recommend the transfer of the work of the coast survey proper to the Navy Department. I heartily concur in this recommendation. Excluding Alaska and a very small area besides, all the work of mapping and charting our coasts has been completed

The hydrographic work, which must be done over and over again by reason of the shifting and varying depths of water, consequent upon the action of streams and tides, has heretofore been done under the direction of naval officers in subordination to the Superintendent of the Coast Survey. There seems to be no good reason why the navy should not have entire charge hereafter of such work, especially as the Hydrographic Office of the Navy Department is now, and has been for many years, engaged in making efficient maps entirely similar to those prepared by the Coast Survey.

I feel it my imperative duty to call attention to the recommendation of the Secretary in regard to the personnel of the line of the navy. The stagnation of promotion in this, the vital branch of the service, is so great as to seriously impair its efficiency.

I consider it of the utmost importance that the young and middle-aged officers should, before the eve of retirement, be permitted to reach a grade entitling them to active and important duty.

The system adopted a few years ago regulating the employment of labour at the navy yards is rigidly upheld, and has fully demonstrated its usefulness and expediency. It is within the domain of civil service reform, inasmuch as workmen are employed through a board of labour selected at each navy yard, and are given work without reference to politics and in the order of their application; preference, however, being given to army and navy veterans, and those having former navy yard experience.

Amendments suggested by experience have been made to the rules regulating the system. Through its operation the work at our navy yards has been vastly improved in efficiency, and the opportunity to work has been honestly and fairly awarded to willing and competent applicants.

It is hoped that if this system continues to be strictly adhered to there will soon be, as a natural consequence, such an equalization of party benefit as will remove all temptation to relax or abandon it.

The Report of the Secretary of the Interior exhibits the situation of the numerous and interesting branches of the public service connected with his Department. I commend this Report and the valuable recommendations of the Secretary to the careful attention of the Congress.

The public lands disposed of during the year amounted to 10,406,100·77 acres, including 28,876·05 of Indian lands.

It is estimated that the public domain still remaining amounts to a little more than 600,000,000 acres, excluding, however, about 360,000,000 acres in Alaska as well as military reservations and railroad and other selections of lands yet unadjudicated.

The total cash receipts from sale of lands amounted to 2,674,285 dol. 79 c., including 91,981 dol. 3 c. received for Indian lands.

Thirty-five thousand patents were issued for agricultural lands, and 3,100 patents were issued to Indians on allotments of their holdings in severalty, the land so allotted being inalienable by the Indian allottees for a period of twenty-five years after patent.

There were certified and patented on account of railroad and waggon-road grants during the year 865,556.45 acres of land, and at the close of the year 29,000,000 acres were embraced in the lists of selections made by railroad and waggon-road companies and awaited settlement.

The selections of swamp lands, and that taken as indemnity therefor since the passage of the Act providing for the same in 1849, amount to nearly or quite 80,500,000 acres, of which 58,000,000 have been patented to States. About 138,000 acres were patented during the last year. Nearly 820,000 acres of school and education grants were approved during the year, and at its close 1,250,363.81 acres remained unadjusted.

It appears that the appropriation for the current year on account of special service for the protection of the public lands and the timber thereon is much less than those for previous years, and inadequate for an efficient performance of the work. A larger sum of money than has been appropriated during a number of years past on this account has been returned to the Government as a result of the labours of those employed in the particular service mentioned, and I hope it will not be crippled by insufficient appropriation.

I fully indorse the recommendation of the Secretary that adequate protection be provided for our forest reserves and that a comprehensive forestry system be inaugurated. Such keepers and superintendents as are necessary to protect the forests already reserved should be provided. I am of the opinion that there should be an abandonment of the policy sanctioned by present laws, under which the Government for a very small consideration is rapidly losing title to immense tracts of land covered with timber which should be properly reserved as permanent sources of timber supply.

The suggestion that a change be made in the manner of securing surveys of the public lands is especially worthy of consideration. I am satisfied that these surveys should be made by a corps of competent surveyors, under the immediate control and direction of the Commissioner of the General Land Office.

An exceedingly important recommendation of the Secretary

relates to the manner in which contests and litigated cases growing out of efforts to obtain Government land are determined. The entire testimony upon which these controversies depend in all their stages is taken before the local registers and receivers, and yet these officers have no power to subpoena witnesses or to enforce their attendance to testify. These cases, numbering 3,000 or 4,000 annually, are sent by the local officers to the Commissioner of the General Land Office for his action. The exigencies of his other duties oblige him to act upon the decisions of the registers and receivers without an opportunity of thorough personal examination. Nearly 2,000 of these cases are appealed annually from the Commissioner to the Secretary of the Interior. Burdened with other important administrative duties his determination of these appeals must be almost perfunctory, and based upon the examination of others, though this determination of the Secretary operates as a final adjudication upon rights of very great importance.

I concur in the opinion that the Commissioner of the General Land Office should be relieved from the duty of deciding litigated land cases, that a non-partisan Court should be created to pass on such cases, and that the decisions of this Court should be final, at least so far as the decisions of the Department are now final. The proposed Court might be given authority to certify questions of law, in matters of especial importance, to the Supreme Court of the United States or the Court of Appeal for the District of Colombia for decision. The creation of such a Tribunal would expedite the disposal of cases, and insure decisions of a more satisfactory character. The registers and receivers who originally hear and decide these disputes should be invested with authority to compel witnesses to attend and testify before them.

Though the condition of the Indians shows a steady and healthy progress, their situation is not satisfactory at all points. Some of them to whom allotments of land have been made are found to be unable or disinclined to follow agricultural pursuits or to otherwise beneficially manage their land. This is especially true of the Cheyennes and Arapahoes, who, as it appears by reports of their agent, have in many instances never been located upon their allotments, and in some cases do not even know where their allotments are. Their condition has deteriorated. They are not self-supporting, and they live in camps and spend their time in idleness.

I have always believed that allotments of reservation lands to Indians in severalty should be made sparingly, or at least slowly, and with the utmost caution. In these days, when white agricultural and stock-raisers of experience and intelligence find

their lot a hard one, we ought not to expect Indians, unless far advanced in civilization and habits of industry, to support themselves on the small tracts of land usually allotted to them.

If the self-supporting scheme by allotment fails, the wretched pauperism of the allottees which results is worse than their original condition of regulated dependence. It is evident that the evil consequences of ill-advised allotment are intensified in cases where the false step cannot be retraced, on account of the purchase by the Government of reservation lands remaining after allotments are made and the disposition of such remaining lands to settlers or purchasers from the Government.

I am convinced that the proper solution of the Indian problem and the success of every step taken in that direction depend to a very large extent upon the intelligence and honesty of the reservation agents and the interest they have in their work. An agent fitted for his place can do much toward preparing the Indians under his charge for citizenship and allotment of their lands, and his advice as to any matter concerning their welfare will not mislead. An unfit agent will make no effort to advance the Indians on his reservation toward civilization or preparation for allotment of lands in severalty, and his opinion as to their condition in this and other regards is heedless and valueless.

The indications are that the detail of army officers as Indian agents will result in improved management on the reservations.

Whenever allotments are made and any Indian on the reservation has previously settled upon a lot and cultivated it, or shown a disposition to improve it in any way, such lot should certainly be allotted to him, and this should be made plainly obligatory by statute.

In the light of experience, and considering the uncertainty of the Indian situation and its exigencies in the future, I am not only disposed to be very cautious in making allotments, but I incline to agree with the Secretary of the Interior in the opinion that when allotments are made the balance of reservation land remaining after allotment, instead of being bought by the Government from the Indians, and opened for settlement with such scandals and unfair practices as seem unavoidable, should remain for a time at least as common land or be sold by the Government on behalf of the Indians in an orderly way and at fixed prices to be determined by its location and desirability, and that the proceeds, less expenses, should be held in trust for the benefit of the Indian proprietors.

The intelligent Indian school management of the past year has been followed by gratifying results. Efforts have been made to advance the work in a sound and practical manner. Five institutes of Indian teachers have been held during the year, and have

proved very beneficial through the views exchanged and methods discussed particularly applicable to Indian education.

Efforts are being made in the direction of a gradual reduction of the number of Indian contract schools, so that in a comparatively short time they may give way altogether to Government schools, and it is hoped that the change may be so gradual as to be perfected without too great expense to the Government or undue disregard of investments made by those who have established and are maintaining such contract schools.

The appropriation for the current year ending the 30th June, 1895, applicable to the ordinary expenses of the Indian service amounts to 6,733,003 dol. 18 c., being less by 668,240 dol. 64 c. than the sum appropriated on the same account for the previous year.

At the close of the last fiscal year, on the 30th June, 1894, there were 969,544 persons on our pension rolls, being a net increase of 3,532 over the number reported at the end of the previous year.

These pensioners may be classified as follows: Soldiers and sailors, survivors of all wars, 753,968; widows and relatives of deceased soldiers, 215,162; army nurses in the war of rebellion, 414. Of these pensioners 32,089 are surviving soldiers of Indian and other wars prior to the late civil war, and the widows or relatives of such soldiers.

The remainder, numbering 937,505, are receiving pensions on account of the war of the rebellion, and of these 469,341 are on the rolls under the authority of the Act of the 27th June, 1890, sometimes called the Dependent Pension Law.

The total amount expended for pensions during the year was 139,801,461 dol. 5 c., leaving an unexpended balance from the sum appropriated of 25,205,712 dol. 65 c.

The sum necessary to meet pension expenditures for the year ending the 30th June, 1896, is estimated at 140,000,000 dollars.

The Commissioner of Pensions is of the opinion that the year 1895, being the thirtieth after the close of the war of the rebellion, must according to all sensible human calculation see the highest limit of the pension roll, and that after that year it must begin to decline.

The claims pending in the Bureau have decreased more than 90,000 during the year. A large proportion of the new claims filed are for increase of pension by those now on the rolls.

The number of certificates issued was 80,218.

The names dropped from the rolls for all causes during the year numbered 37,951.

Among our pensioners are nine widows and three daughters

of soldiers of the Revolution and forty-five survivors of the war of 1812.

The barefaced and extensive pension frauds exposed under the direction of the courageous and generous veteran soldier now at the head of the Bureau leave no room for the claim that no purgation of our pension rolls was needed, or that continued vigilance and prompt action are not necessary to the same end.

The accusation that an effort to detect pension frauds is evidence of unfriendliness towards our worthy veterans and a denial of their claims to the generosity of the Government, suggests an unfortunate indifference to the commission of an offence which has for its motive the securing of a pension, and indicates a willingness to be blind to the existence of mean and treacherous crimes which play upon demagogic fears and make sport of the patriotic impulse of a grateful people.

The completion of the Eleventh Census is now in charge of the Commissioner of Labour. The total disbursements on account of the work for the fiscal year ending the 30th June, 1894, amounted to 10,365,676 dol. 81 c. At the close of the year the number of persons employed in the Census Office was 679. At present there are about 400. The whole number of volumes necessary to comprehend the Eleventh Census will be twenty-five, and they will contain 22,270 printed pages. The assurance is confidently made that before the close of the present calendar year the material still incomplete will be practically in hand, and the Census can certainly be closed by the 4th March, 1895. After that the revision and proof-reading necessary to bring out the volumes will still be required.

The text of the Census volumes has been limited, as far as possible, to the analysis of the statistics presented. This method, which is in accordance with law, has caused more or less friction, and in some instances individual disappointment; for when the Commissioner of Labour took charge of the work he found much matter on hand which, according to this rule, he was compelled to discard. The Census is being prepared according to the theory that it is designed to collect facts and certify them to the public—not to elaborate arguments or to present personal views.

The Secretary of Agriculture in his Report reviews the operations of his Department for the last fiscal year, and makes recommendations for the further extension of its usefulness. He reports a saving in expenditures during the year of 600,000 dollars, which is covered back into the Treasury. This sum is 23 per cent. of the entire appropriation.

A special study has been made of the demand for American farm products in all foreign markets, especially Great Britain. That

country received from the United States during the nine months ending the 30th September, 1894, 305,910 live beef cattle, valued at 26,500,000 dollars, as against 182,611 cattle, valued at 16,634,000 dollars, during the same period for 1893.

During the first six months of 1894 the United Kingdom took, also, 112,000,000 lb. of dressed beef from the United States, valued at nearly 10,000,000 dollars.

The Report shows that during the nine months immediately preceding the 30th September, 1894, the United States exported to Great Britain 222,676,000 lb. of pork; of apples, 1,900,000 bushels, valued at 2,500,000 dollars; and of horses 2,811, at an average value of 139 dollars per head. There was a falling off in American wheat exports of 13,500,000 bushels, and the Secretary is inclined to believe that wheat may not, in the future, be the staple export cereal product of our country, but that corn will continue to advance in importance as an export on account of the new uses to which it is constantly being appropriated.

The exports of agricultural products from the United States for the fiscal year ending the 30th June, 1894, amounted to 628,363,038 dollars, being 72·28 per cent. of American exports of every description, and the United Kingdom of Great Britain took more than 54 per cent. of all farm products finding foreign markets.

The Department of Agriculture has undertaken during the year two new and important lines of research. The first relates to grasses and forage plants, with the purpose of instructing and familiarizing the people as to the distinctive grasses of the United States and teaching them how to introduce valuable foreign forage plants which may be adapted to this country. The second relates to agricultural soils and crop production, involving the analyses of samples of soils from all sections of the American Union, to demonstrate their adaptability to particular plants and crops. Mechanical analyses of soils may be of such inestimable utility that it is foremost in the new lines of agricultural research, and the Secretary therefore recommends that a division having it in charge be permanently established in the Department.

The amount appropriated for the Weather Bureau was 951,100 dollars. Of that sum 138,500 dollars, or 14 per cent., has been saved and is returned to the Treasury.

As illustrating the usefulness of this service, it may be here stated that the warnings which were very generally given of two tropical storms occurring in September and October of the present year resulted in detaining safely in port 2,305 vessels, valued at 36,283,913 dollars, laden with cargoes of probably still greater value. What is much more important and gratifying, many human lives on these ships were also undoubtedly saved.

The appropriation to the Bureau of Animal Industry was 850,000 dollars, and the expenditures for the year were only 495,429 dol. 24 c., thus leaving unexpended 354,570 dol. 76 c. The inspection of beef animals for export and inter-State trade has been continued, and 12,944,056 head were inspected during the year, at a cost of $1\frac{1}{4}$ cents per head, against $4\frac{3}{4}$ cents for 1893. The amount of pork microscopically examined was 35,437,937 lb., against 20,677,410 lb. in the preceding year. The cost of this inspection has been diminished from $8\frac{3}{4}$ cents per head in 1893 to $6\frac{1}{2}$ cents in 1894.

The expense of inspecting the pork sold in 1894 to Germany and France by the United States was 88,922 dol. 10 c. The quantity inspected was greater by 15,000,000 lb. than during the preceding year, when the cost of such inspection was 172,367 dol. 8 c. The Secretary of Agriculture recommends that the law providing for the microscopic inspection of export and inter-State meat be so amended as to compel owners of the meat inspected to pay the cost of such inspection, and I call attention to the arguments presented in his Report in support of this recommendation.

The live beef cattle exported and tagged during the year numbered 363,535. This is an increase of 69,533 head over the previous year.

The sanitary inspection of cattle shipped to Europe has cost an average of $10\frac{1}{4}$ cents for each animal, and the cost of inspecting Southern cattle and the disinfection of cars and stock-yards averages 2-7 cents per animal.

The scientific inquiries of the Bureau of Animal Industry have progressed steadily during the year. Much tuberculin and mallein have been furnished to State authorities for use in the agricultural colleges and experiment stations for the treatment of tuberculosis and glanders.

Quite recently this Department has published the results of its investigations of bovine tuberculosis, and its researches will be vigorously continued. Certain herds in the District of Columbia will be thoroughly inspected, and will probably supply adequate scope for the Department to intelligently prosecute its scientific work and furnish sufficient material for purposes of illustration, description, and definition.

The sterilization of milk suspected of containing the bacilli of tuberculosis has been during the year very thoroughly explained in a leaflet by Dr. D. E. Salmon, the chief of the Bureau, and given general circulation throughout the country.

The office of experiment stations, which is a part of the United States' Department of Agriculture, has during the past year engaged itself almost wholly in preparing for publication works based upon

the reports of agricultural experiment stations and other institutions for agricultural inquiry in the United States and foreign countries.

The Secretary, in his Report for 1893, called attention to the fact that the appropriations made for the support of the experiment stations throughout the Union were the only moneys taken out of the National Treasury by Act of Congress for which no accounting to Federal authorities was required. Responding to this suggestion the fifty-third Congress, in making the appropriation for the Department for the present fiscal year, provided that—

The Secretary of Agriculture shall prescribe the form of annual financial statement required by section 3 of said Act of the 2nd March, 1887, shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of said Act, and shall make report thereon to Congress.

In obedience to this law, the Department of Agriculture immediately sent out blank forms of expense accounts to each station, and proposes in addition to make, through trusted experts, systematic examination of the several stations during each year, for the purpose of acquiring by personal investigation the detailed information necessary to enable the Secretary of Agriculture to make, as the statute provides, a satisfactory report to Congress. The Boards of Management of the several stations, with great alacrity and cordiality, have approved the amendment to the law providing this supervision of their expenditures, anticipating that it will increase the efficiency of the stations, and protect their Directors and Managers from loose charges concerning their use of public funds, besides bringing the Department of Agriculture into closer and more confidential relations with the experimental stations, and through their joint service largely increasing their usefulness to the agriculture of the country.

Acting upon a recommendation contained in the Report of 1893, Congress appropriated 10,000 dollars "to enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestion of full, wholesome, and edible rations less wasteful and more economical than those in common use."

Under this appropriation the Department has prepared, and now has nearly ready for distribution, an elementary discussion of the nutritive value and pecuniary economy of food. When we consider that fully one-half of all the money earned by the wage-earners of the civilized world is expended by them for food, the importance and utility of such an investigation is apparent.

The Department expended in the fiscal year 1893, 2,354,809 dol. 56 c.; and out of that sum the total amount expended in

scientific research was 45·6 per cent. But in the year ending the 30th June, 1894, out of a total expenditure of 1,948,988 dol. 38 c., the Department applied 51·8 per cent. of that sum to scientific work and investigation. It is, therefore, very plainly observable that the economies which have been practised in the administration of the Department have not been at the expense of scientific research.

The recommendation contained in the Report of the Secretary for 1893, that the vicious system of promiscuous free distribution of its departmental documents be abandoned, is again urged. These publications may well be furnished without cost to public libraries, educational institutions, and the officers and libraries of States and of the Federal Government. But from all individuals applying for them a price covering the cost of the document asked for should be required. Thus the publications and documents would be secured by those who really desire them for proper purposes. Half a million of copies of the Report of the Secretary of Agriculture are printed for distribution at an annual cost of about 300,000 dollars. Large numbers of them are cumbering store-rooms at the Capitol and shelves of second-hand book stores throughout the country. All this labour and waste might be avoided if the recommendations of the Secretary were adopted.

The Secretary also again recommends that the gratuitous distribution of seeds cease, and that no money be appropriated for that purpose, except to experiment stations. He reiterates the reasons given in his Report for 1893 for discontinuing this unjustifiable gratuity, and I fully concur in the conclusions which he has reached.

The best service of the Statistician of the Department of Agriculture is the ascertainment, by diligence and care, of the actual and real conditions, favourable or unfavourable, of the farmers and farms of the country, and to seek the causes which produce these conditions to the end that the facts ascertained may guide their intelligent treatment.

A further important utility in agricultural statistics is found in their elucidation of the relation of the supply of farm products to the demand for them in the markets of the United States and of the world.

It is deemed possible that an agricultural census may be taken each year through the agents of the Statistical Division of the Department. Such a course is commended for trial by the Chief of that division. Its scope would be—

1. The area under each of the more important crops.
 2. The aggregate products of each of such crops.
 3. The quantity of wheat and corn in the hands of farmers at a
- [1893-94. LXXXVI.] 2 I.

date after the spring sowings and plantings and before the beginning of harvest ; and also the quantity of cotton and tobacco remaining in the hands of planters, either at the same date or at some other designated time.

The cost of the work is estimated at 500,000 dollars.

Owing to the peculiar quality of the Statistician's work, and the natural and acquired fitness necessary to its successful prosecution, the Secretary of Agriculture expresses the opinion that every person employed in gathering statistics under the Chief of that division should be admitted to that service only after a thorough, exhaustive, and successful examination at the hands of the United States' Civil Service Commission. This has led him to call for such examination of candidates for the position of Assistant Statisticians, and also of candidates for Chiefs of sections in that division.

The work done by the Department of Agriculture is very superficially dealt with in this communication, and I commend the Report of the Secretary and the very important interests with which it deals to the careful attention of the Congress.

The advantages to the public service of an adherence to the principles of civil service reform are constantly more apparent ; and nothing is so encouraging to those in official life who honestly desire good government as the increasing appreciation by our people of these advantages. A vast majority of the voters of the land are ready to insist that the time and attention of those they select to perform for them important public duties should not be distracted by doling out minor offices, and they are growing to be unanimous in regarding party organization as something that should be used in establishing party principles instead of dictating the distribution of public places as rewards of partisan activity.

Numerous additional offices and places have lately been brought within Civil Service Rules and Regulations, and some others will probably soon be included.

The Report of the Commissioners will be submitted to the Congress, and I invite careful attention to the recommendations it contains.

I am entirely convinced that we ought not to be longer without a National Board of Health or National Health Officer charged with no other duties than such as pertain to the protection of our country from the invasion of pestilence and disease. This would involve the establishment, by such Board or officer, of proper quarantine precautions, or the necessary aid and counsel to local authorities on the subject, prompt advice and assistance to Local Boards of Health or Health Officers in the suppression of contagious disease, and in cases where there are no such Local Boards or officers, the immediate direction by the National Board or officer of measures of sup-

pression, constant and authentic information concerning the health of foreign countries and all parts of our own country as related to contagious diseases, and consideration of regulations to be enforced in foreign ports to prevent the introduction of contagion into our cities, and the measures which should be adopted to secure their enforcement.

There seems to be at this time a decided inclination to discuss measures of protection against contagious diseases in international conference, with a view of adopting means of mutual assistance. The creation of such a national health establishment would greatly aid our standing in such conferences, and improve our opportunities to avail ourselves of their benefits.

I earnestly recommend the inauguration of a National Board of Health or similar national instrumentality, believing the same to be a needed precaution against contagious disease and in the interest of the safety and health of our people.

By virtue of a Statute of the United States passed in 1888 I appointed in July last the Honourable John D. Kernan, of the State of New York, and the Honourable Nicholas E. Worthington, of the State of Illinois, to form with the Honourable Carroll D. Wright, Commissioner of Labour, who was designated by said Statute, a Commission for the purpose of making careful inquiry into the causes of the controversies between certain railroads and their employes, which had resulted in an extensive and destructive strike, accompanied by much violence and dangerous disturbance, with considerable loss of life and great destruction of property.

The Report of the Commissioners has been submitted to me, and will be transmitted to the Congress with the evidence taken upon their investigation.

Their work has been well done, and their standing and intelligence give assurance that the Report and suggestions they make are worthy of careful consideration.

The Tariff Act passed at the last Session of the Congress needs important amendments if it is to be executed effectively and with certainty. In addition to such necessary amendments as will not change rates of duty, I am still very decidedly in favour of putting coal and iron upon the free list.

So far as the sugar schedule is concerned, I would be glad, under existing aggravations, to see every particle of differential duty in favour of refined sugar stricken out of our Tariff Law. If with all the favour now accorded the sugar-refining interest in our Tariff Laws it still languishes to the extent of closed refineries and thousands of discharged workmen, it would seem to present a hopeless case for reasonable legislative aid. Whatever else is done or omitted, I earnestly repeat here the recommendation I have made

in another portion of this communication that the additional duty of one-tenth of a cent per pound laid upon sugar imported from countries paying a bounty on its export be abrogated. It seems to me that exceedingly important considerations point to the propriety of this amendment.

With the advent of a new Tariff policy not only calculated to relieve the consumers of our land in the cost of their daily life, but to invite a better development of American thrift and create for us closer and more profitable commercial relations with the rest of the world, it follows as a logical and imperative necessity that we should at once remove the chief if not the only obstacle which has so long prevented our participation in the foreign carrying trade of the sea. A Tariff built upon the theory that it is well to check imports, and that a home market should bound the industry and effort of American producers, was fitly supplemented by a refusal to allow American registry to vessels built abroad though owned and navigated by our people, thus exhibiting a willingness to abandon all contest for the advantages of American transoceanic carriage. Our new Tariff policy, built upon the theory that it is well to encourage such importations as our people need, and that our products and manufactures should find markets in every part of the habitable globe, is consistently supplemented by the greatest possible liberty to our citizens in the ownership and navigation of ships in which our products and manufactures may be transported. The millions now paid to foreigners for carrying American passengers and products across the sea should be turned into American hands. Ship-building, which has been protected to strangulation, should be revived by the prospect of profitable employment for ships when built, and the American sailor should be resurrected and again take his place—a sturdy and industrious citizen in time of peace, and a patriotic and safe defender of American interests in the day of conflict.

The ancient provision of our law denying American registry to ships built abroad and owned by Americans appears in the light of present conditions not only to be a failure for good at every point, but to be nearer a relic of barbarism than anything that exists under the permission of a Statute of the United States. I earnestly recommend its prompt repeal.

During the last month the gold reserved in the Treasury for the purpose of redeeming the notes of the Government circulating as money in the hands of the people became so reduced, and its further depletion in the near future seemed so certain, that in the exercise of proper care for the public welfare it became necessary to replenish this reserve and thus maintain popular faith in the ability and determinations of the Government to meet, as agreed, its pecuniary obligations.

It would have been well if in this emergency authority had existed to issue the bonds of the Government bearing a low rate of interest and maturing within a short period; but the Congress having failed to confer such authority, resort was necessarily had to the Resumption Act of 1875, and pursuant to its provisions bonds were issued drawing interest at the rate of 5 per cent. per annum and maturing ten years after their issue, that being the shortest time authorized by the Act. I am glad to say, however, that on the sale of these bonds the premium received operated to reduce the rate of interest to be paid by the Government to less than 3 per cent.

Nothing could be worse or further removed from sensible finance than the relations existing between the currency the Government has issued, the gold held for its redemption, and the means which must be resorted to for the purpose of replenishing such redemption fund when impaired. Even if the claims upon this fund were confined to the obligations originally intended, and if the redemption of these obligations meant their cancellation, the fund would be very small. But these obligations, when received and redeemed in gold, are not cancelled but are reissued, and may do duty many times by way of drawing gold from the Treasury. Thus we have an endless chain in operation constantly depleting the Treasury's gold, and never near a final rest. As if this was not bad enough, we have, by a Statutory Declaration that it is the policy of the Government to maintain the parity between gold and silver, aided the force and momentum of this exhausting process and added largely to the currency obligations claiming this peculiar gold redemption. Our small gold reserve is thus subject to drain from every side. The demands that increase our danger also increase the necessity of protecting this reserve against depletion, and it is most unsatisfactory to know that the protection afforded is only a temporary palliation.

It is perfectly and palpably plain that the only way under present conditions by which this reserve when dangerously depleted can be replenished is through the issue and sale of the bonds of the Government for gold; and yet Congress has not only thus far declined to authorize the issue of bonds best suited for such a purpose, but there seems a disposition in some quarters to deny both the necessity and power for the issue of bonds at all.

I cannot for a moment believe that any of our citizens are deliberately willing that their Government should default in its pecuniary obligations or that its financial operations should be reduced to a silver basis. At any rate I should not feel that my duty was done if I omitted any effort I could make to avert such a calamity. As long, therefore, as no provision is made for the final redemption or the putting aside of the currency obligation now

used to repeatedly and constantly draw from the Government its gold, and as long as no better authority for bond issues is allowed than at present exists, such authority will be utilized whenever and as often as it becomes necessary to maintain a sufficient gold reserve, and in abundant time to save the credit of our country and make good the financial declarations of our Government.

Questions relating to our banks and currency are closely connected with the subject just referred to, and they also present some unsatisfactory features. Prominent among them are the lack of elasticity in our currency circulation, and its frequent concentration in financial centres when it is most needed in other parts of the country.

The absolute divorcement of the Government from the business of banking is the ideal relationship of the Government to the circulation of the currency of the country.

This condition cannot be immediately reached; but as a step in that direction and as a means of securing a more elastic currency and obviating other objections to the present arrangement of bank circulation, the Secretary of the Treasury presents in his Report a scheme modifying present banking laws and providing for the issue of circulating notes by State banks free from taxation under certain limitations.

The Secretary explains his plan so plainly, and its advantages are developed by him with such remarkable clearness, that any effort on my part to present argument in its support would be superfluous. I shall, therefore, content myself with an unqualified indorsement of the Secretary's proposed changes in the law, and a brief and imperfect statement of their prominent features.

It is proposed to repeal all laws providing for the deposit of United States' bonds as security for circulation; to permit national banks to issue circulating notes not exceeding in amount 75 per cent. of their paid-up and unimpaired capital, provided they deposit with the Government, as a guarantee fund, in United States' legal-tender notes, including Treasury notes of 1890, a sum equal in amount to 30 per cent. of the notes they desire to issue, this deposit to be maintained at all times, but whenever any bank retires any part of its circulation a proportional part of its guarantee fund shall be returned to it; to permit the Secretary of the Treasury to prepare and keep on hand ready for issue in case an increase in circulation is desired blank national bank-notes for each bank having circulation; and to repeal the provisions of the present law imposing limitations and restrictions upon banks desiring to reduce or increase their circulation—thus permitting such increase or reduction within the limit of 75 per cent. of capital to be quickly made as emergencies arise.

In addition to the guarantee fund required, it is proposed to provide a safety fund for the immediate redemption of the circulating notes of failed banks, by imposing a small annual tax, say one-half of 1 per cent., upon the average circulation of each bank until the fund amounts to 5 per cent. of the total circulation outstanding. When a bank fails its guarantee fund is to be paid into this safety fund, and its notes are to be redeemed in the first instance from such safety fund thus augmented—any impairment of such fund caused thereby to be made good from the immediately available cash assets of said bank, and if these should be insufficient such impairment to be made good by *pro rata* assessment among the other banks, their contributions constituting a first lien upon the assets of the failed bank in favour of the contributing banks. As a further security it is contemplated that the existing provision fixing the individual liability of stockholders is to be retained, and the bank's indebtedness on account of its circulating notes is to be made a first lien on all its assets.

For the purpose of meeting the expense of printing notes, official supervision, cancellation, and other like charges there shall be imposed a tax of, say, one-half of 1 per cent. per annum upon the average amount of notes in circulation.

It is further provided that there shall be no national bank-notes issued of a less denomination than 10 dollars; that each national bank, except in case of a failed bank, shall redeem or retire its notes in the first instance at its own office or at agencies to be designated by it, and that no fixed reserve need be maintained on account of deposits.

Another very important feature of this plan is the exemption of State banks from taxation by the United States in cases where it is shown, to the satisfaction of the Secretary of the Treasury and Comptroller of the Currency by banks claiming such exemption, that they have not had outstanding their circulating notes exceeding 75 per cent. of their paid-up and unimpaired capital; that their stockholders are individually liable for the redemption of their circulating notes to the full extent of their ownership of stock; that the liability of said banks upon their circulating notes constitutes under their State law a first lien upon their assets; that such banks have kept and maintained a guarantee fund in United States' legal-tender notes including Treasury notes of 1890 equal to 30 per cent. of the outstanding circulating notes, and that such banks have promptly redeemed their circulating notes when presented at their principal or branch offices.

It is quite likely that this scheme may be usefully amended in some of its details; but I am satisfied it furnishes a basis for a very great improvement in our present banking and currency system.

I conclude this communication fully appreciating that the responsibility for all legislation affecting the people of the United States rests upon their representatives in the Congress, and assuring them that, whether in accordance with recommendations I have made or not, I shall be glad to co-operate in perfecting any legislation that tends to the prosperity and welfare of our country.

GROVER CLEVELAND.

CONVENTION de Commerce et de Navigation entre la Belgique et le Paraguay.—Signée à l'Assomption, le 15 Février, 1894.

[Ratifications échangées à l'Assomption, le 8 Décembre, 1894.]

SA Majesté le Roi des Belges et son Excellence le Président de la République du Paraguay, animés du désir de resserrer les liens d'amitié qui unissent les deux pays et de placer dans des conditions également satisfaisantes les relations commerciales et maritimes entre les deux États, ont résolu de conclure à cet effet une Convention de Commerce et de Navigation et ont nommé pour leurs Plénipotentiaires, savoir :

SA Majesté le Roi des Belges, M. Ernest van Bruyssel, Consul-Général, Ministre Résident de Belgique près la République du Paraguay et près les Républiques Argentine et de l'Uruguay ;

Son Excellence le Président de la République du Paraguay, M. le Dr. Venancio V. Lopez, son Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes conviennent de se concéder réciproquement le traitement de la nation la plus favorisée en ce qui est relatif à leur navigation et à leur commerce d'importation, d'exportation et de transit, et, en général, pour tout ce qui concerne les tarifs, taxes complémentaires et droits accessoires de douane et les opérations commerciales, de même que d'assurer aux citoyens et nationaux de l'un des pays dans l'autre tous les droits civils, bénéfices, privilèges et exemptions pour l'exercice du commerce et des industries, et pour le paiement des impôts, taxes et patentes qui sont actuellement et qui seront, dans l'avenir, concédées aux sujets et citoyens de la nation la plus favorisée.

II. La présente Convention n'aura d'effet qu'après qu'elle aura été ratifiée par les deux Hautes Parties Contractantes, et les

ratifications seront échangées à l'Assomption le plus promptement possible.

La présente Convention restera en vigueur jusqu'à l'expiration d'un an à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à l'Assomption, en double expédition, le 15^e jour de Février, de l'an 1894.

(L.S.) ERNEST VAN BRUYSSSEL.

(L.S.) VENANCIO V. LOPEZ.

PROCÈS-VERBAL between Great Britain, Belgium, Denmark, Germany, and the Netherlands, recording the Deposit of the Ratifications of the North Sea Liquor Traffic Convention of November 16, 1887; the Exchange of Laws passed for carrying it into effect; and indicating the Flag to be hoisted by licensed Vessels under Article III of that Convention.—Signed at the Hague, April 11, 1894.

[See Vol. LXXIX, page 895. Foot-note.]

CONVENTION between the United States and China, respecting Emigration between the two Countries.—Signed at Washington, March 17, 1894.

[Ratifications exchanged at Washington, December 7, 1894.]

WHEREAS, on the 17th day of November, A.D. 1880, and of Kwanghsū, the 6th year, 10th moon, 15th day, a Treaty was concluded between the United States and China* for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to, and their residence in, the United States;

* Vol. LXXI, page 103.

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States ;

And whereas the two Governments desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries ;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other :

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his Plenipotentiary ; and

His Imperial Majesty the Emperor of China has appointed Yang Yü, Officer of the second rank, Sub-Director of the Court of Sacrificial Worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his Plenipotentiary ;

And the said Plenipotentiaries having exhibited their respective full powers found to be in due and good form, have agreed upon the following Articles :—

ART. I. The High Contracting Parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this Convention, the coming, except under the conditions herein-after specified, of Chinese labourers to the United States shall be absolutely prohibited.

II. The preceding Article shall not apply to the return to the United States of any registered Chinese labourer who has a lawful wife, child, or parent in the United States, or property therein of the value of 1,000 dollars, or debts of like amount due to him and pending settlement. Nevertheless every such Chinese labourer shall, before leaving the United States, deposit, as a condition of his return, with the Collector of Customs of the district from which he departs, a full description, in writing, of his family, or property, or debts, as aforesaid, and shall be furnished by said Collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty ; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States ; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control,

shall be considered valid, unless a return—
ably reported to the Chinese Consul at the
by him certified, to the satisfaction of the
which such Chinese subject shall land in the
to such Chinese labourer shall be provided
ties by land or sea without prejudice to the
stems the return certificate herein required.

of this Convention shall not affect the right
Chinese subjects, being officials, teachers,
travellers for curiosity or pleasure, that visit
the United States and residing therein. The
subjects as are above described in admission
, they may produce a certificate from their
government where they last resided, or by the
Representative of the United States in the
they depart.

that Chinese labourers shall continue to enjoy
t across the territory of the United States in
journey to or from other countries, subject
y the Government of the United States as
prevent said privilege of transit from being

of Article III of the Immigration Treaty
ates and China, signed at Peking on the 17th
880 (the 15th day of the 10th month of
, it is hereby understood and agreed that
Chinese of any other class, either permanently
ing in the United States, shall have for the
asons and property all rights that are given by
ted States to citizens of the most favoured
e right to become naturalized citizens. And
the United States reaffirms its obligation, as
III, to exert all its power to secure protection
roperty of all Chinese subjects in the United

ent of the United States, having by an Act
proved on the 5th May, 1892,* as amended by
the 3rd November, 1893,† required all Chinese
within the limits of the United States before
first-named Act to be registered as in the said
a view of affording them better protection, the
will not object to the enforcement of such acts,
Government of the United States recognizes
ernment of China to enact and enforce similar

† Page 969.

laws or regulations for the registration, free of charge, of all labourers, skilled or unskilled (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the Treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this Convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the Treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

VI. This Convention shall remain in force for a period of ten years, beginning with the date of the exchange of ratifications; and if, six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington, the 17th day of March, 1894.

(L.S.) WALTER Q. GRESHAM.

(L.S.) (Chinese signature.)

TREATY of Commerce and Navigation between the United States and Japan.—Signed at Washington, November 22, 1894.

[Ratifications exchanged at Washington, March 21, 1895.]

THE President of the United States of America and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based

upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say :

The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States ; and

His Majesty the Emperor of Japau, Jushii Shinichiro Kurino, of the Order of the Sacred Treasure, and of the fourth class ;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The citizens or subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the Courts of Justice in pursuit and defence of their rights ; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel, to the possession of goods and effects of any kind, to the succession to personal estate by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens or subjects of the most favoured nation. The citizens or subjects of each of the Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects, or citizens or subjects of the most favoured nation.

The citizens or subjects of either of the Contracting Parties residing in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia ; from all contributions imposed in lieu of

personal service ; and from all forced loans or military exactions or contributions.

II. There shall be reciprocal freedom of commerce and navigation between the territories of the two High Contracting Parties.

The citizens or subjects of each of the High Contracting Parties may trade in any part of the territories of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native citizens or subjects ; and they may there own or hire and occupy houses, manufactories, warehouses, shops and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favoured nation, without having to pay taxes, imposts or duties, of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native citizens or subjects, or citizens or subjects of the most favoured nation.

It is, however, understood that the stipulations contained in this and the preceding Article do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of labourers, police and public security which are in force or which may hereafter be enacted in either of the two countries.

III. The dwellings, manufactories, warehouses, and shops of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for citizens or subjects of the country.

IV. No other or higher duties shall be imposed on the importation into the territories of the United States of any article, the produce or manufacture of the territories of His Majesty the Emperor of Japan, from whatever place arriving, and no other or higher duties shall be imposed on the importation into the territories of His Majesty the Emperor of Japan of any article, the

produce or manufacture of the territories of the United States, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

V. No other or higher duties or charges shall be imposed in the territories of either of the High Contracting Parties on the exportation of any article to the territories of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other country.

VI. The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

VII. All articles which are or may be legally imported into the ports of the territories of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in vessels of the United States, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and, reciprocally, all articles which are or may be legally imported into the ports of the territories of the United States in vessels of the United States may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in vessels of the United States. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties should be paid, and the same bounties and drawbacks allowed, in the territories of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom.

whether such exportation shall take place in Japanese vessels or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

VIII. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the territories of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

IX. In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the territories of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

X. The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws, ordinances, and regulations of the United States and Japan respectively. It is, however, understood that citizens of the United States, in the territories of His Majesty the Emperor of Japan, and Japanese subjects in the territories of the United States, shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances, and regulations to the citizens or subjects of any other country.

A vessel of the United States laden in a foreign country with cargo destined for two or more ports in the territories of His Majesty the Emperor of Japan, and a Japanese vessel laden in a foreign country with cargo destined for two or more ports in the territories of the United States, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and customs regulations of the two countries.

The Japanese Government, however, agrees to allow vessels of the United States to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing

open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisuminato.

XI. Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district, of the occurrence, or if there be no such Consular officers, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels, wrecked or cast on shore in the territorial waters of the United States, shall take place in accordance with the laws of the United States, and, reciprocally, all measures of salvage relative to vessels of the United States, wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan, shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws, ordinances, and regulations of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a vessel belonging to the citizens or subjects of one of the High Contracting Parties is stranded or wrecked in the territories of

the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the citizens or subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

XII. All vessels which, according to the United States' law, are to be deemed vessels of the United States, and all vessels which, according to Japanese law, are to be deemed Japanese vessels, shall, for the purposes of this Treaty, be deemed vessels of the United States and Japanese vessels respectively.

XIII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the citizens or subjects of the country where the desertion takes place.

XIV. The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the Government, ships, citizens, or subjects of any other State, shall be extended to the Government, ships, citizens, or subjects of the other High Contracting Party gratuitously, if the concession in favour of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favoured nation.

XV. Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

XVI. The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

High Contracting Parties agree in the following

sign Settlements in Japan and from the date of the same, the incorporated cities and respective Municipalities shall themselves have part of the governmental

The competent Japanese authorities shall have municipal obligations and duties in respect to the funds and property, if any, belonging to each at the same time be transferred to the said

incorporation takes place existing leases in respect to property is now held in the said Settlements, and no conditions whatever other than those existing leases shall be imposed in respect of said however, understood that the Consular authorities are in all cases to be replaced by the Japanese lands which may previously have been granted by permanent free of rent for the public purposes of the shall, subject to the right of eminent domain, be reserved free of all taxes and charges for the public which they were originally set apart.

This Treaty shall, from the date it comes into force, replace of the Treaty of Peace and Amity concluded on the 3rd month of the 7th year of Meiji, corresponding to the 31st day of March, 1864,* the Treaty of Amity and Consular Privileges concluded on the 18th day of the 6th month of the said year, corresponding to the 26th day of July, 1865;† the Convention concluded on the 18th day of the 5th month of the said year, corresponding to the 25th day of June, 1866;‡ the Convention concluded on the 25th day of the 7th month of the 11th year of Meiji, corresponding to the 25th day of July, 1878; and all other Treaties, Conventions, Arrangements, and Agreements concluded or entered into between the High Contracting Parties; and from the same date, and in consequence, the jurisdiction then exercised by the Courts of the United States in Japan, and all the privileges, exemptions, and immunities then enjoyed by the United States as a part of, or appurtenant to, each shall absolutely and without notice cease and determine, and all such jurisdiction shall be assumed and exercised by the Japanese authorities.

This Treaty shall go into operation on the 17th day of

V, page 234.
III, page 317.

† Vol. XLVIII, page 596.
§ Vol. LXIX, page 91.

July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time thereafter to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

XX. This Treaty shall be ratified, and the ratifications thereof shall be exchanged, either at Washington or Tôkiô, as soon as possible, and not later than six months after its signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate, and have thereunto affixed their seals.

Done at the city of Washington the 22nd day of November, in the 1894th year of the Christian era, corresponding to the 22nd day of the 11th month of the 27th year of Meiji.

(L.S.) WALTER Q. GRESHAM.

(L.S.) SHINICHIRO KURINO.

PROTOCOL.

THE Government of the United States of America and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

I. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by citizens of the United States shall cease to be binding. From the same date the General Statutory Tariff of Japan shall, subject to the provisions of Article IX of the Treaty of the 31st March, 1854, at present subsisting between the Contracting Parties, so long as said Treaty remains in force, and thereafter, subject to the provisions of Articles IV and XIV of the Treaty signed this day, be applicable to goods and merchandize being the growth, produce, or manufacture of the territories of the United States upon importation into Japan.

But nothing contained in this Protocol shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or

obscene articles; articles in violation of the patent, trade-mark, or copyright laws of Japan; or any other article which, for sanitary reasons, or in view of public security or morals, might offer any danger.

II. The Japanese Government, pending the opening of the country to citizens of the United States, agrees to extend the existing passport system in such a manner as to allow citizens of the United States, on the production of a certificate of recommendation from the Representative of the United States at Tôkiô, or from any of the Consuls of the United States at the open ports of Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Prefecture in which an open port is situated, it being understood that the existing rules and regulations governing citizens of the United States who visit the interior of the Empire are to be maintained.

III. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the Agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their seals.

Done at Washington the 22nd day of November, in the 1894th year of the Christian era, corresponding to the 22nd day of the 11th month of the 27th year of Meiji.

(L.S.) WALTER Q. GRESHAM.

(L.S.) SHINICHIRO KURINO.

CONVENTION d'Extradition entre la Russie et le Luxembourg.

—Signée à Luxembourg, le $\frac{19}{11}$ Mars, 1892.

[Ratifications échangées à Bruxelles, le 29 Mai, et à Luxembourg, le 30 Mai, 1892.]

SON ALTESSE ROYALE le Grand-Duc de Luxembourg et Sa Majesté l'Empereur de Toutes les Russies, ayant jugé opportun de conclure une Convention pour l'extradition réciproque des malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Son Altesse Royale le Grand-Duc de Luxembourg, M. Eyschen, Ministre d'État, Président du Gouvernement du Grand-Duché de Luxembourg, Grand-Croix de l'Ordre d'Adolphe Nassau, Grand-Officier de l'Ordre de la Couronne de Chêne, &c.

Sa Majesté l'Empereur de Toutes les Russies, le Prince I. Ouroussoff, Maître de la Cour de Sa Majesté l'Empereur, Envoyé Extraordinaire et Ministre Plénipotentiaire de Russie près la Cour de Son Altesse Royale le Grand-Duc de Luxembourg, Chevalier des Ordres de Saint-Wladimir, 2^e classe, de Sainte-Anne et de Saint-Stanislas, 1^{re} classe, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivants :—

ART. I. Le Gouvernement du Grand-Duché de Luxembourg et le Gouvernement Impérial de Russie s'engagent par la présente Convention à se livrer réciproquement, dans les cas et d'après les formes déterminés par les Articles suivants, à l'exception de leurs propres nationaux, les individus réfugiés de Russie dans le Grand-Duché de Luxembourg ou du Grand-Duché de Luxembourg en Russie, et mis en prévention ou en accusation, ou condamnés comme auteurs ou comme complices pour l'une des infractions mentionnées à l'Article II ci-après par les Tribunaux de celui des deux pays où l'infraction aura été commise.

II. Ces infractions sont :

1. Attentat contre la vie du Souverain ou des membres de sa famille, ainsi que tout autre crime ou délit ci-après énuméré, commis à l'égard du Souverain ou des membres de sa famille ;

2. Parricide, infanticide, assassinat, empoisonnement, meurtre ;

3. Coups portés et blessures faites volontairement, soit avec préméditation, soit quand il en est résulté une infirmité ou incapacité permanente de travail personnel, la perte ou la privation de l'usage absolu d'un membre, de l'œil ou de tout autre organe, ou la mutilation sans intention de la donner ;

4. Bigamie ; enlèvement de mineurs ; viol ; avortement ; attentat à la pudeur commis avec violence ; attentat à la pudeur commis avec violence sur la personne ou à l'aide de la personne de l'enfant, l'un ou de l'autre sexe âgé de moins de 14 ans ; attentat aux mœurs en excitant, facilitant ou favorisant habituellement, ou satisfaisant les passions d'autrui, la débauche ou la corruption des mineurs de l'un ou de l'autre sexe ;

5. Enlèvement, recel, suppression, substitution ou suppression d'enfant, exposition ou délaissement d'enfant ;

6. Incendie ;

7. Destruction totale ou partielle, par quelque moyen que ce soit, de constructions, édifices, ponts, chaussées, digues, écluses,

voies ferrées et appareils télégraphiques et téléphoniques, ainsi que des objets qui en font partie ;

8. Le fait volontaire d'avoir mis en péril un convoi sur un chemin de fer ;

9. Association de malfaiteurs, vol ;

10. Menaces d'attentat contre les personnes ou les propriétés, punissables de peines criminelles ;

11. Attentat à la liberté individuelle et à l'inviolabilité du domicile, commis par des particuliers ;

12. Fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée ; contrefaçon ou falsification d'effets publics ou billets de banque, de titres publics ou privés ; émission ou mise en circulation de ces effets, billets, ou titres contrefaits, fabriqués ou falsifiés ; faux en écritures ou dans les dépêches télégraphiques, et usage de ces dépêches, effets, billets, ou titres contrefaits, fabriqués, ou falsifiés ; contrefaçon ou falsification de sceaux, timbres, poinçons, et marques, à l'exception de ceux de particuliers ou de négociants ; usage de sceaux, timbres, poinçons, et marques contrefaits ou falsifiés, et usage préjudiciable de vrais sceaux, timbres, poinçons, et marques ;

13. Faux témoignage et fausses déclarations d'experts ou d'interprètes ; subornation de témoins, d'experts, ou d'interprètes ;

14. Faux serment ;

15. Concussion, détournements commis par des fonctionnaires publics ; corruption de fonctionnaires publics ;

16. Banqueroute frauduleuse et fraudes commises dans les faillites ;

17. Escroquerie, abus de confiance et tromperie ;

18. Abandon par le capitaine, hors les cas prévus par la loi des deux pays, d'un navire ou bâtiment de commerce ou de pêche ;

19. Prise d'un navire par les marins ou passagers, par fraude ou violence envers le capitaine ;

20. Recèlement d'objets obtenus à l'aide d'un des crimes ou délits prévus par la présente Convention.

Sont comprises dans les qualifications précédentes les tentatives, lorsqu'elles sont prévues par les législations des deux pays.

L'extradition n'aura lieu que dans les cas où la condamnation, la mise en prévention ou en accusation, ou bien la poursuite judiciaire, aura été provoquée par un crime ou un délit volontaire commis sur le territoire de l'État par lequel l'extradition est demandée et entraînant, d'après les législations des deux pays, une peine de plus d'un an d'emprisonnement.

III. Lorsque le crime ou le délit donnant lieu à la demande d'extradition aura été commis hors du territoire de la partie

requérante, il pourra être donné suite à cette demande, pourvu que la législation du pays requis autorise, dans ce cas, la poursuite des mêmes faits commis hors de son territoire.

IV. Les Parties Contractantes s'engagent à poursuivre, conformément à leurs lois, les crimes et délits commis par leurs sujets contre les lois de la partie adverse, dès que la demande en sera faite et dans le cas où ces crimes et délits pourront être classés dans une des catégories énumérées dans l'Article II de la présente Convention.

V. L'extradition sera demandée par la voie diplomatique ; elle ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement ou arrêt de condamnation, soit d'une ordonnance de mise en accusation, d'un mandat d'arrêt ou de tout autre document équivalent, délivré par l'autorité compétente dans les formes prescrites par la législation du pays qui fait la demande et indiquant d'une manière précise le crime ou délit pour lesquels l'extradition est demandée, ainsi que la disposition pénale qui lui est applicable.

VI. L'étranger pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article II, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité étrangère compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant. Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

VII. En cas d'urgence, l'étranger pourra être arrêté provisoirement dans les deux pays sur un simple avis, transmis par la poste ou par le télégraphe, de l'existence d'un mandat d'arrêt, à la condition que cet avis sera régulièrement donné par la voie diplomatique au Ministre des Affaires Étrangères du pays où l'inculpé s'est réfugié.

Toutefois, dans ce cas, l'étranger ne sera maintenu en état d'arrestation que si, dans le délai de trois semaines, le Gouvernement requis reçoit communication du mandat d'arrêt délivré par l'autorité étrangère compétente.

VIII. L'étranger arrêté provisoirement aux termes de l'Article VI ou maintenu en arrestation suivant l'alinéa 2 de l'Article VII sera mis en liberté si, dans les deux mois de son arrestation, le Gouvernement requis ne reçoit notification soit d'un arrêt de condamnation, soit d'une ordonnance sur la mise en accusation ou en prévention émanée de l'autorité compétente.

IX. L'extradition n'aura pas lieu :

1. Lorsque la demande en sera motivée par le même crime ou délit pour lequel l'individu réclamé subit ou a déjà subi sa peine, ou dont il a été acquitté ou absous dans le pays auquel l'extradition est demandée ;

l'action ou de la peine est acquiescée l'impres-
tration est demandée.

En cas de la même individu de la part de deux
faits distincts, le Gouvernement reçoit
base la gravité du fait poursuivi ou des
l'accusé soit restitué, s'il y a lieu, d'un
successivement les accusations.

Il est poursuivi ou se trouve détenu pour
commis contre les lois du pays auquel
son extradition sera différée jusqu'à ce
qu'il ait subi sa peine.

Il est accordée lors même que l'accusé ou le
dit, à être empêché de remplir les engage-
ments particuliers, lesquels pourront toujours
près des autorités judiciaires compétentes.
Il est stipulé que l'étranger dont l'extradition
est, dans aucun cas, être poursuivi ou puni
antérieur à l'extradition, pour aucun fait
dit, ni pour aucun des crimes ou délits non
mentionnés.

Crime ou délit politique ni fait connexe à un
l'attentat contre la personne du Souverain
membres de sa famille, lorsque cet attentat
porte des faits visés au § 1 de l'Article III

Objets ou saisis en la possession de l'individu
laquée, les instruments ou outils dont il se
entre le crime ou délit qui lui est imputé,
conviction, sont livrés à l'État requérant,
et l'État requis en a reconnu la remise.

Après les droits des tiers sur les objets sus-
leur être restitués sans frais après la fin de

la poursuite d'une affaire pénale non poli-
vernementale juger nécessaire l'audition de
l'autre État, une Commission Régatoire sera
voies diplomatiques et il y sera donné suite
pays où l'audition des témoins devra avoir

cause pénale non politique, la comparution
est nécessaire, le Gouvernement du pays où
il a se rendre à l'invitation qui lui est faite,
de voyage et de séjour lui seront accordés
suffisamment en vigueur dans les pays où l'audi-
ces personnes résidant dans le Grand-Duché

Should His Catholic Majesty's Government not consider punishment inflicted on the guilty parties sufficient, the punishment shall be summarily exact from that of His Shereefian Majesty the Emperor of a higher grade of punishment, always, be it understood, in accordance with Moorish laws and usages.

II. In order to give precise effect to Article IV of the Convention of the 24th August, 1859, and to the provisions of the Treaty of the 26th June, 1862, for the demarcation of the boundary of the fortress of Melilla and its neutral ground, both the Spanish and Moorish Governments shall proceed to appoint a Commission composed of Spanish and Moorish Delegates, in order to give effect to the demarcation of the polygonal line delimiting the neutral zone on the Moorish side by setting up the boundary stones at each angle and the necessary number of masonry posts between the intervals of 200 metres from one another.

The zone included between the polygonal lines shall be a neutral zone, no other roads being constructed within it than those leading from the Spanish to the Moorish lines, or *vice versa*, and no pasturing of cattle or cultivation of the soil shall be permitted within it. Nor shall the forces of either territory enter the said zone. The subjects of both nations passing from one territory to the other shall be authorized to cross it only when unarmed.

The territory comprehended in the neutral zone shall be evacuated by its present inhabitants on the 1st November of the current year; the houses and plantations existing there shall be destroyed by them before that date, with the exception of the fruit trees, which may be transplanted up to the month of March 1895.

III. The cemetery and mosque of Sidi Aguariach shall be suitably surrounded by a wall, in which there shall be a door which unarmed Moors may enter to pray in that sacred place, no burials being permitted there for the future. The key of the aforesaid door shall remain in the hands of the Kaïd commander of the Sultan's forces, referred to in the following Article.

IV. In order to avert any fresh act of aggression on the part of the Riffinians and to give due effect to the provisions of Article V of the Treaty of the 26th April, 1860, His Majesty the Emperor of Morocco engages to establish and constantly maintain in the neighbourhood of the territory of Melilla a Kaïd and a detachment of Royal troops.

Under similar conditions, other Moorish forces shall be established and likewise constantly maintained in proximity to the fortresses of Chafarinas, the Rock of Los Velez, or La Gorda, and Alhucemas, in conformity with the provisions of Article V of the Convention on the limits of Melilla of the 24th August, 1859.

Peace and Friendship between Spain and
1860. These forces shall be under the
and as those of Melilla.

its corresponding Kaid shall, for the same
the future on the borders of Ceuta.

to the post of Pasha of the district of
the future, necessarily fall upon a dignitary
special qualifications, shall offer sufficient
nance of relations of harmony and friend-
of the fortress and territory of Melilla.
it shall give previous notice to the Spanish
ment or removal.

shall be empowered to decide himself, in
rnor of Melilla, on all questions or claims
ster, and in the event of discord between
decision shall be submitted to the Regens
ons in Tangier, excepting in cases the
cessitates the direct intervention of both

r the expenses occasioned to the Spanish
which occurred in the neighbourhood of
October and November 1893, His Moorish
to the Spanish Government the sum of
ay, 20,000,000 pesetas, in the following

cash within a term of three months, dating
94, the date of the signing of the present
g to the 26th of Chaban of the year 1311
nating on the 4th June of the current year.
000 dollars shall be liquidated in a term of
y half-yearly instalments of 200,000 dollars,
made in the period included between the
ember, 1834; the second on the 4th June,
4th December, 1895; the fourth on the 4th
the 4th December, 1896; the sixth on the
enth on the 4th December, 1897; the eighth
the ninth on the 4th December, 1898; the
1899; the eleventh on the 4th December,
ne 4th June, 1900; the thirteenth on the
e fourteenth on the 4th June, 1901; and
pletes the payments, on the 4th December,

e sums shall be made in the ports of Tangier
above-mentioned dates, the money being
gate designated by the Spanish Government

for the purpose in Spanish legal currency, and also in the known as Isabelinos, half-dollars and Philippine pesetas excluded.

As the payment is one to be made in instalments necessitating a guarantee, Her Majesty the Queen of Spain will consider that of the Sultan as sufficient; but should the Moorish Government delay the expiration of one of the above-cited years, delay to make the corresponding payment, the Spanish Government shall charge interest at the rate of 6 per cent. on the sum in arrear. Should arrears exceed one year's payment, the Spanish Government shall have the right of intervention in the customs of the four ports of Tangier, Casablanca, Mazagan, and Mogador, renouncing this right if they deem opportune.

So long as the stipulated sum of 4,000,000 dollars is not satisfied, the Moorish Government shall not negotiate any loan either with the Governments of other nations or with private persons, requiring as a guarantee the customs of the Moorish ports. Should the Government of His Majesty the Sultan be under the necessity of contracting one for the payment of the aforementioned sums, it must be done by agreement with the Spanish Government.

The Moorish Government shall have the right to anticipate the payment of the said instalments should they deem it desirable.

VII. The present Convention shall be ratified by Her Majesty the Queen of Spain and His Majesty the Sultan of Morocco, and the ratifications shall be exchanged at Tangier in the term of six months or before if possible.

Wherefore the undersigned Plenipotentiaries have signed in duplicate, and sealed it with their respective seals, in the city of Morocco, on the 5th day of March, 1894, of the Christian era, which corresponds to the 26th of Chaaban, 1311, of the Hegira.

(L.S.) ARSENIO MARTINEZ DE CA

(L.S.) MOHAMMED - EL - MEFADEI

MOHAMMED GARNIT.

PROTOCOL between the Netherlands and Venezuela, for the Re-establishment of Diplomatic Relations between the two Countries.—Signed at The Hague, August 20, 1894.

Le Gouvernement de Sa Majesté la Reine des Pays-Bas et le Gouvernement des États-Unis de Venezuela, étant tous deux animés du sincère désir de rétablir les relations diplomatiques entre les deux pays, sont convenus de ce qui suit :—

Les réclamations formulées de part et d'autre, en 1875, donnèrent lieu à cette époque à une discussion, qui n'a malheureusement pu aboutir, et qui s'est terminée par la rupture des relations diplomatiques.

Depuis lors, les Pays-Bas et le Venezuela, étant entrés dans la voie des concessions mutuelles, ont, de leur propre gré, supprimé toutes les causes de divergence entre les deux pays.

De son côté, le Gouvernement de la Reine constate qu'il s'est empressé de communiquer au Gouvernement Venezuelien, dans sa dépêche du 6 Juillet, 1889, le résultat de l'enquête rigoureuse à laquelle il fut officiellement procédé à Curaçao, relativement aux faits qui avaient provoqué les réclamations susmentionnées des États-Unis de Venezuela.

Quant au Gouvernement Venezuelien, sans admettre nullement que ses réclamations ne fussent pas fondées, et sans vouloir, par cela, établir un précédent qui pourrait être invoqué à l'avenir, concède à ne plus insister sur les demandes antérieures.

Or, les motifs de désaccord n'existant donc plus actuellement et les deux Gouvernements étant animés du vif désir d'écarter tout ce qui serait de nature à entraver le rétablissement immédiat des relations diplomatiques, malheureusement interrompues à la suite d'événements éloignés dont le souvenir tend à s'effacer complètement, sont convenus de clore définitivement la discussion et l'examen de toutes les anciennes questions en litige.

En outre, le Gouvernement Néerlandais, désirant donner au Gouvernement Venezuelien une preuve de la vive satisfaction qu'il lui cause la haute mission amicale de M. le Général Francisco Tosta Garcia, manifeste de nouveau son intention d'empêcher par tous les moyens en son pouvoir tout complot, atteinte ou autre acte contraire à l'ordre public au Venezuela, dérogeant aux principes de la plus stricte neutralité envers le Gouvernement constitué du dit pays, conformément aux règles établies par le droit des gens, et il renouvellera en ce sens aux autorités de ses Colonies de Curaçao, Bonaire, Arubo, Saint-Martin, Saint-Eustache, et Saba les instructions formelles existant à cet effet.

En conséquence les Soussignés, le Jonkheer Jean Röell des Affaires Étrangères de Sa Majesté la Reine des Pays-Bas, M. le Général Francisco Tosta Garcia, Délégué Spécial du Gouvernement des États-Unis de Venezuela, dûment autorisé par Sa Majesté la Reine-Régente du Royaume et par le Gouvernement des États-Unis de Venezuela, ont apposé leurs signatures au présent Protocole, lequel sera soumis à la ratification des autorités compétentes.

Fait, en double, à La Haye, le 20 Août, 1894.

(L.S.) J. RÖELL.

(L.S.) F. TOSTA GARCIA.

CONVENTION d'Extradition entre la Belgique et l'État Libre d'Orange.— Signée à Bruxelles, le 27 Novembre, 1894.

[Ratifications échangées à Bruxelles, le 11 Février, 1895.]

SA Majesté le Roi des Belges et son Excellence M. le Ministre des Affaires Étrangères de l'État Libre d'Orange, ayant résolu, d'un commun accord, de conclure une Convention pour l'extradition des malfaiteurs nommés, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Comte de Westerloo, Chevalier de l'Ordre du Sauveur de Grèce, de Roumanie, &c., Membre de la Chambre des Représentants, Ministre des Affaires Étrangères; et

Son Excellence M. le Président de l'État Libre d'Orange, M. Ieslein, Commandeur des Ordres de la Couronne de Prusse, du Mérite de Waldeck-Pyrmont, &c., Plénipotentiaire de l'État Libre d'Orange;

Lesquels, après s'être communiqué leurs pleins pouvoirs en bonne et due forme, sont convenus des Articles suivants :

ART. I. Le Gouvernement Belge et le Gouvernement de l'État Libre d'Orange s'engagent à se livrer, réciproquement, sous les règles déterminées par les Articles suivants, à l'exception des nationaux, les individus condamnés ou prévenus à raison de faits ci-après énumérés, commis sur le territoire de l'un des deux pays, requérant :

1. Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant;

2. Menaces, faites par écrit ou sous une condition déterminée, pour autant que les lois des deux pays permettent l'extradition de ce chef;

3. Avortement, procuré par la femme enceinte ou par d'autres ;

4. Sévices, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

5. Le fait de forcer une femme par violence ou par menaces de violence à avoir, en dehors du mariage, un commerce charnel avec le coupable ; le fait d'avoir, en dehors du mariage, un commerce charnel avec une femme, lorsque le coupable sait qu'elle est évanouie ou sans connaissance ; attentats à la pudeur (avec violence ou menaces) ; actes d'immoralité avec une personne de moins de 14 ans ;

6. Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays ;

7. Bigamie ;

8. Enlèvement, recel, suppression, substitution, ou suppositior d'un enfant ;

9. Enlèvement de mineurs ;

10. Contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non contrefaits et non altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein ;

11. Contrefaçon ou falsification de timbres et de marques de l'État ou de marques d'ouvrier exigées par la loi, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

12. Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef ; l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait, au moment où il les a reçus, qu'ils étaient faux ou falsifiés et qu'il a agi de concert avec l'auteur du faux ou ses complices ;

13. Faux témoignage, subornation de témoins, faux serment ;

14. Corruption de fonctionnaires publics, pour autant que les lois des deux pays permettent l'extradition de ce chef ; concussion, détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels ;

15. Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse ;

16. Destruction illégale, commise à dessein, d'un édifice appartenant, en tout ou en partie, à un autre ;

17. Actes de violence commis en public, à forces réunies, contre

des biens, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

18. Le fait illégal commis à dessein de faire couler à fond, d'échouer, de détruire, de rendre impropre à l'usage ou de détourner un navire, lorsqu'il peut en résulter un danger pour autrui ;

19. Émeute et insubordination des passagers, à bord d'un navire, contre le capitaine, et des gens de l'équipage contre leurs supérieurs, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

20. Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

21. Vol ;

22. Escroqueries ;

23. Abus d'un blanc-seing ;

24. Détournement, abus de confiance ;

25. Banqueroute frauduleuse ;

26. Traite des esclaves dans les cas prévus par la législation des deux pays ;

27. Résistance de la part des capitaines et gens de l'équipage aux ordres des officiers agissant en vertu des Articles XLIII et XLIV de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890 ;*

28. Infraction aux défenses concernant les armes à feu et les munitions, prévue par les Articles VIII et IX de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890 ;*

Sont comprises dans les qualifications précédentes, la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée ;

Lorsque le fait donnant lieu à la demande d'extradition a été commis sur le territoire d'un pays tiers, il pourra être donné suite à cette demande si la législation de l'État requis autorise la poursuite des mêmes infractions commises hors de son territoire.

II. L'extradition n'aura pas lieu :

1. Lorsque le fait a été commis dans un pays tiers et que le Gouvernement de ce pays requiert l'extradition ;

2. Lorsque la demande en sera motivée par le même fait pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée et du chef duquel il a été condamné, absous ou acquitté ;

3. Si d'après les lois du pays auquel l'extradition est demandée la prescription de l'action ou de la peine est acquise au moment où la remise pourrait avoir lieu.

III. L'extradition n'aura pas lieu aussi longtemps que l'individu

* Vol. LXXXII, page 55.

ivi pour le même fait, dans le pays auquel
mandée.

réclamé est poursuivi ou subit une peine pour
on que celle qui a donné lieu à la demande
tradition ne sera accordée qu'après la fin de la
ys auquel l'extradition est demandée, et, en cas
u'après qu'il aura subi sa peine ou qu'il aura été

sément stipulé que l'étranger dont l'extradition
e pourra être poursuivi ou puni pour aucun délit
à l'extradition, ni pour aucun fait connexe à un
pour aucun des crimes ou délits non prévus par
tion.

té délit politique, ni fait connexe à un semblable
ntre la personne du Chef d'un État étranger ou
membres de sa famille, lorsque cet attentat con-
t de meurtre, soit d'assassinat, soit d'empoisonne-

tradé pourra, toutefois, être poursuivi ou puni
t dans les cas suivants, pour une infraction autre
tivité l'extradition :

ndé à être jugé ou à subir sa peine, auquel cas sa
muniquée au Gouvernement qui l'a livré ;
quitté, pendant le mois qui suit son élargissement
auquel il a été livré ;

ction est comprise dans la Convention et si le
auquel il a été livré a obtenu préalablement
Gouvernement qui a accordé l'extradition. Ce
s'il le juge convenable, exiger la production de l'un
mentionnés dans l'Article VI de la Convention.

tion à un pays tiers est soumise aux mêmes règles.
dition sera demandée par la voie diplomatique ou
e sera accordée que sur la production de l'original ou
authentique, soit d'un jugement de condamnation,
nnance de mise en accusation ou de renvoi devant la
ve avec mandat d'arrêt, soit d'un mandat d'arrêt
formes prescrites par la législation de l'État qui fait
indiquant suffisamment le fait dont il s'agit, pour
requis à même de juger s'il constitue, d'après sa
cas prévu par la présente Convention, ainsi que
générale qui lui est applicable.

objets saisis en la possession de l'individu réclamé
à l'État requérant, si l'autorité compétente de l'État
donné la remise.

a attendant la demande d'extradition par la voie

diplomatique ou consulaire, l'arrestation provisoire de l'individu, dont l'extradition peut être requise aux termes de la présente Convention, pourra être demandée :

Du côté de la Belgique par tout Procureur du Roi ou tout Juge d'Instruction ;

Du côté de la République de l'État Libre d'Orange, par tout officier de justice ou tout Juge d'Instruction (Juge Commissaire).

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

IX. L'étranger arrêté provisoirement aux termes de l'Article précédent sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté en Belgique si dans le délai de trois mois après son arrestation provisoire il ne reçoit communication de l'un des documents mentionnés dans l'Article VI.

X. Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une Commission Rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître.

En cas d'urgence, toutefois, une Commission Rogatoire pourra être directement adressée par l'autorité judiciaire, dans l'un des États, à l'autorité judiciaire dans l'autre État.

XI. Si, dans une cause pénale non politique, la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

XII. Lorsque dans une cause pénale non politique la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les pièces.

XIII. Le transit, à travers le territoire de l'un des États Contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays du transit, sera accordé sur la

simple production en original ou en expédition authentique de l'un des actes de procédure mentionnés à l'Article VI, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles II et V, § 1^{er}, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'État requérant.

XIV. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport, et autres qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des Commissions Rogatoires, à moins qu'il ne s'agisse d'expertises criminelles, commerciales, ou médico-légales, exigeant plusieurs vacations, et de l'envoi et de la restitution des pièces de conviction ou des documents.

XV. La présente Convention ne sera exécutoire qu'à dater du vingtième jour après publication dans les formes prescrites par les lois des deux pays.

Elle sera ratifiée, et les ratifications en seront échangées le plus tôt possible, à Bruxelles.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait en double expédition à Bruxelles, le 27 Novembre, 1894.

(L.S.) COMTE DE MERODE WESTERLOO.

(L.S.) ALFRED IESLEIN.

TRAITÉ d'Amitié, d'Établissement, et de Commerce entre la Belgique et l'État Libre d'Orange.—Signé à Bruxelles, le 27 Décembre, 1894.

[Ratifications échangées à Bruxelles, le 11 Février, 1896.]

Sa Majesté le Roi des Belges, d'une part, et son Excellence le Président de l'État Libre d'Orange, d'autre part, voulant développer et consolider les relations d'amitié et de commerce entre la Belgique et l'État Libre d'Orange, ont jugé convenable de négocier un Traité propre à atteindre ce but, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Comte de Merode Westerloo, Chevalier de l'Ordre de Léopold, Grand-Cordon des Ordres du

Sauveur de Grèce, de l'Étoile de Roumanie, &c., Membre de la Chambre des Représentants, son Ministre des Affaires Étrangères ; et

Son Excellence le Président de l'État Libre d'Orange, M. Ieslein, Officier de l'Ordre de Léopold, Commandeur des Ordres de la Couronne de Chêne et du Mérite de Waldeck-Pyrmont, &c., Plénipotentiaire Spécial de l'État Libre d'Orange ;

Lesquels, après avoir échangé leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Il y aura paix perpétuelle et amitié constante entre le Royaume de Belgique et l'État Libre d'Orange et entre les citoyens des deux pays, sans exception de personnes ni de lieux.

II. Il y aura liberté réciproque de commerce entre le Royaume de Belgique et l'État Libre d'Orange.

III. Les citoyens de l'une et de l'autre Partie Contractante jouiront, dans les pays, de la plus constante et de la plus complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des Tribunaux de Justice pour la poursuite et la défense de leurs droits, en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer, dans toutes les circonstances, les avocats, avoués ou agents de toute classe qu'ils jugeraient à propos de déléguer en leur nom. Enfin, ils jouiront sous ce rapport des mêmes droits et privilèges que ceux qui sont ou seront accordés aux citoyens de la nation la plus favorisée, et ils seront soumis aux conditions imposées à ces derniers.

IV. Les citoyens Belges dans l'État Libre d'Orange et les citoyens de l'État Libre d'Orange en Belgique seront exempts de tout service militaire, soit dans l'armée, soit dans la marine, soit dans la milice ou garde nationale, et en aucun cas ils ne pourront être assujettis pour leurs propriétés mobilières et immobilières à d'autres charges, restrictions, taxes, ou impôts que ceux auxquels seraient soumis les citoyens du pays.

Il est convenu également que les citoyens des deux pays qui sont établis ou s'établiront sur le territoire de l'autre jouiront de tous les avantages que les lois ou décrets en vigueur accordent ou accorderont à l'avenir aux étrangers immigrants, mais avec l'obligation de remplir les conditions imposées ou exprimées dans ces dispositions.

V. Les citoyens Belges dans l'État Libre d'Orange et les citoyens de l'État Libre d'Orange en Belgique jouiront d'une entière liberté de conscience. Les uns et les autres se soumettront, quant à l'exercice extérieur de leur culte, aux lois de chaque pays.

VI. Les citoyens de chacune des deux Parties Contractantes pourront librement, sur le territoire de l'autre, voyager ou séjourner,

commercer en gros et en détail, comme il est permis actuellement de le faire ou comme il le sera par la suite aux citoyens de la nation la plus favorisée, louer et occuper les maisons, magasins, et boutiques qui leur seront nécessaires, transporter des marchandises et des espèces et recevoir des consignations, tant de l'intérieur que des pays étrangers, suivant les lois de chacun des deux pays, sans être assujettis, pour ces opérations, à d'autres obligations, charges, ou restrictions que celles qui sont imposées aux indigènes, sauf les précautions de police qui sont employées à l'égard des nations les plus favorisées.

Ils seront, les uns et les autres, sur un pied de parfaite égalité libres, dans leurs achats et leurs ventes, d'établir et de fixer le prix des effets, marchandises, et objets quelconques importés ou produits dans le pays, qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation, en se conformant toutefois aux lois et aux règlements en vigueur.

Ils jouiront de la même liberté pour diriger leurs affaires eux-mêmes, présenter en douane leurs déclarations, ou se faire représenter par des personnes qu'ils choisiront comme fondés de pouvoirs, facteurs, agents, consignataires, ou interprètes, pour l'achat ou la vente de leurs biens, de leurs effets ou marchandises. De même, ils auront le droit de remplir toutes les fonctions qui leur sont confiées par leurs compatriotes, par des étrangers, ou par les citoyens du pays comme fondés de pouvoirs, facteurs, agents, consignataires, ou interprètes, en se soumettant en tout aux lois du pays, et sans avoir à payer comme étrangers aucun surcroît de salaire ou de rétribution.

VII. Les citoyens de chacune des deux Parties Contractantes auront le droit, sur le territoire de l'autre, de posséder des biens de toute espèce et d'en disposer de la même manière que les nationaux.

Les Belges jouiront, dans tout le territoire de l'État Libre d'Orange, du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires, à l'égal des citoyens de cet État, selon les lois du pays, sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû dans les mêmes cas par les nationaux ; réciproquement, les citoyens de l'État Libre d'Orange jouiront, en Belgique, du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires, à l'égal des Belges, selon les lois du pays, sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas exigé des nationaux dans les mêmes cas. La même réciprocité entre les citoyens des deux pays existera pour les donations entre vifs.

Lors de l'exportation des biens recueillis ou acquis, à quelque titre que ce soit, par des Belges dans l'État Libre d'Orange ou par de :

citoyens de l'État Libre d'Orange en Belgique, il ne sera prélevé sur ces biens aucun droit de détraction ou d'émigration, ni aucun droit quelconque auquel les indigènes ne seraient pas soumis.

L'exemption susmentionnée comprend non seulement les droits de détraction qui pourraient être perçus par le Trésor public, mais également tous les droits de détraction ou d'émigration dont la perception serait du ressort d'individus, de communes, de fondations publiques, de paroisses, de districts, ou de corporations.

Les dispositions qui précèdent sont applicables à toutes les successions à échoir à l'avenir et à toutes les translations de biens en général dont l'exportation n'a pas encore été effectuée.

VIII. Pendant le temps fixé par les lois des deux pays pour l'entreposage des marchandises il ne sera perçu d'autres droits que ceux de garde et d'emmagasiner sur les objets importés de l'un des deux pays dans l'autre, en attendant qu'ils soient expédiés pour la consommation intérieure ou en transit, ou bien réexportés, et, en aucun cas, ils ne payeront de plus forts droits d'entrepôt et ne seront assujettis à d'autres formalités que les objets importés de tout autre pays étranger.

IX. Les objets de tout nature venant de la Belgique ou expédiés vers la Belgique jouiront, à leur passage par le territoire de l'État Libre d'Orange, du traitement applicable, dans les mêmes circonstances, aux objets provenant ou en destination du pays le plus favorisé.

Réciproquement, les objets de toute nature venant de l'État Libre d'Orange ou expédiés vers l'État Libre d'Orange jouiront, à leur passage sur le territoire Belge, du traitement applicable, dans les mêmes circonstances, aux objets venant ou en destination du pays le plus favorisé.

X. Les produits du sol et de l'industrie d'une des Parties Contractantes qui seront importés dans l'autre, destinés soit à la consommation, soit à la réexportation, seront soumis au même traitement, et ne seront passibles de droits autres ou plus élevés que les produits de la nation la plus favorisée sous ces rapports.

Aucune restriction, aucune prohibition d'importation ou d'exportation n'aura lieu dans le commerce réciproque des Parties Contractantes, qu'elle ne soit également étendue à toutes les autres nations.

Toutefois, il est fait réserve au profit de l'État Libre d'Orange de la faculté de maintenir ou de concéder des avantages particuliers à un ou plusieurs des États ou Colonies limitrophes, en vue des facilités accordées ou à accorder aux ressortissants ou aux produits de ces États ou Colonies pour le commerce frontière. Ces avantages ne pourront pas être réclamés par la Belgique comme conséquence
" droit au traitement de la nation la plus favorisée, à moins

qu'ils ne viennent à être étendus à un État non limitrophe, notamment à un de ceux dont relèvent ou relèveraient les pays auxquels les dits avantages ont été ou seraient accordées : dans ce dernier cas, le bénéfice en serait immédiatement acquis aux ressortissants Belges.

XI. Les dispositions des Articles VIII, IX, et X ne sont pas applicables aux mesures spéciales que les deux pays se réservent d'établir dans un but sanitaire ou en vue d'événements de guerre.

XII. Les objets, de quelque nature que ce soit, appartenant aux Belges ou aux citoyens de l'État Libre d'Orange, qui auraient été pris par des pirates dans les limites de la juridiction de l'une des deux Parties Contractantes ou en haute mer, et qui seraient conduits ou découverts dans les ports, rivières, rades, ou baies de la domination de l'autre Partie Contractante, seront remis à leurs propriétaires, qui auront à payer, s'il y a lieu, les frais de reprise à déterminer par les Tribunaux compétents.

Le droit de propriété devra auparavant avoir été prouvé devant ces Tribunaux, et la réclamation être faite dans le délai d'un an par les parties intéressées, par leurs fondés de pouvoirs, ou par les Agents des Gouvernements respectifs.

XIII. Il est formellement convenu entre les Parties Contractantes que, indépendamment des stipulations qui précèdent, les Agents Diplomatiques et les citoyens de toute classe de l'un des deux États jouiront de plein droit dans l'autre des privilèges, immunités, franchises, et réductions de droits consentis ou à consentir en faveur de la nation la plus favorisée.

Le même principe sera applicable aux marchandises et objets quelconques appartenant à des citoyens ou au Gouvernement de l'un des deux États et se trouvant dans les limites de la juridiction de l'autre.

XIV. Si, par un concours de circonstances malheureuses, des différends entre les deux Hautes Parties Contractantes occasionnaient une interruption dans leurs relations d'amitié, et qu'après avoir épuisé les moyens d'une discussion amicale ou conciliante le but de leur désir mutuel n'eût pas été complètement atteint, l'arbitrage d'une troisième Puissance également amie des deux Parties sera invoqué d'un commun accord pour éviter une rupture définitive.

Il est convenu que, dans le cas d'une interruption de relations ou d'une rupture complète, les citoyens du pays de l'une des Hautes Parties Contractantes établis ou résidant dans les États de l'autre, exerçant le commerce ou quelque autre profession privée, auront la faculté d'y rester en continuant leur profession ou leurs affaires, sans être troublés dans la jouissance de leur liberté et de leurs biens, pour autant qu'ils se conduisent pacifiquement et qu'ils n'enfreignent pas les lois, et leurs biens et effets ne seront pas sujets à être

saisis ou séquestrés et ne seront soumis à aucun impôt que n'auraient point à payer, sur des biens de la même espèce, les citoyens du pays.

XV. Chacune des Parties Contractantes aura la faculté de nommer, pour la protection de son commerce, des Consuls-Généraux, des Consuls, ou des Vice-Consuls qui résideront sur le territoire de l'autre; mais avant d'entrer en fonctions, tout Consul-Général, Consul, ou Vice-Consul nommé devra obtenir, dans la forme usitée, l'exequatur ou l'autorisation du Gouvernement auprès duquel il est accrédité, et chacune des Parties Contractantes aura le droit d'excepter les lieux ou les points de son territoire où il ne lui conviendra pas d'admettre des Consuls-Généraux, des Consuls, ou des Vice-Consuls; il est d'ailleurs entendu que, sous ce rapport, les deux Gouvernements ne s'opposeront respectivement aucune restriction qui ne soit commune dans leur pays à toutes les nations.

XVI. Les Agents Diplomatiques, Consuls-Généraux, Consuls, et Vice-Consuls de Belgique dans l'État Libre d'Orange jouiront de tous les privilèges, exemptions, ou immunités dont jouissent ou jouiront les Agents de même qualité de la nation la plus favorisée. Il en sera de même en Belgique pour les Agents Diplomatiques, Consuls - Généraux, Consuls et Vice - Consuls de l'État Libre d'Orange.

XVII. En cas de décès d'un citoyen Belge dans l'État Libre d'Orange ou d'un citoyen de l'État Libre d'Orange en Belgique, l'autorité locale compétente doit immédiatement en donner avis à l'Agent Consulaire le plus rapproché de la nation à laquelle le défunt appartient; cet Agent, de son côté, devra donner le même avis à l'autorité locale lorsqu'il en sera informé le premier.

L'autorité locale compétente complètera le dit avis par la remise d'une expédition, en due forme et sans frais, de l'acte de décès.

En cas d'incapacité ou d'absence des héritiers ou d'absence des exécuteurs testamentaires, les Agents du Service Consulaire, concurremment avec l'autorité locale compétente, auront le droit, conformément aux lois de leurs pays respectifs, de faire tous les actes nécessaires à la conservation et à l'administration de la succession, notamment d'apposer et de lever les scellés, de former l'inventaire, d'administrer et de liquider la succession, en un mot de prendre toutes les mesures nécessaires à la sauvegarde des intérêts des héritiers, sauf le cas où naîtraient des contestations, lesquelles devraient être décidées par les Tribunaux compétents du pays où la succession est ouverte.

XVIII. Le présent Traité demeurera en vigueur pendant six ans, à partir de l'échange des ratifications, qui aura lieu à Bruxelles dans le délai de douze mois, ou plus tôt si faire se peut. Dans le cas où aucune des Parties Contractantes n'aurait notifié, douze

mois avant l'expiration de la dite période de six années, son intention de ne pas renouveler ce Traité, celui-ci continuera de subsister et d'être obligatoire pendant une année encore, et ainsi de suite, jusqu'à ce qu'il se soit écoulé une année depuis le jour de la dénonciation faite par l'une ou l'autre des Parties Contractantes.

XIX. Le présent Traité sera ratifié par Sa Majesté le Roi des Belges, ainsi que par le Volksraad de l'État Libre d'Orange.

En foi de quoi les Plénipotentiaires désignés ci-dessus l'ont signé et scellé en double original.

Fait à Bruxelles, le 27 Décembre, 1894.

(L.S.) MERODE WESTERLOO.

(L.S.) ALFRED IESLEIN.

*EXTRADITION TREATY between Mexico and Guatemala.—
Signed at Guatemala, May 19, 1894.*

[Ratifications exchanged at Guatemala, September 2, 1895.]

(Translation.)

His Excellency the President of the United States of Mexico and his Excellency the President of Guatemala, having agreed to provide for the extradition of criminals by means of a Convention, have named their Plenipotentiaries for that purpose, that is to say:

His Excellency the President of the United States of Mexico, Señor Licenciado Don José F. Godoy, his Chargé d'Affaires *ad interim* in Guatemala;

His Excellency the President of Guatemala, Señor Doctor Don Ramon A. Salazar, Secretary of State for Foreign Affairs;

Who, after having exchanged their full powers, have agreed upon the following Articles:—

ART. I. The Mexican Government and that of Guatemala engage to deliver up to each other, at the request which one of the two Governments may make to the other, with the sole exception of its own subjects, those persons accused or convicted by the competent authorities of the country in which the offence may be committed, as authors or accomplices of the crimes and offences enumerated in Article II of this Convention, who shall be found within the territory of the other Contracting State. Nevertheless, when the crime or offence which may give rise to the requisition for extradition shall have been committed without the territory of the two Contracting Parties, such requisition may be acted upon,

provided that the laws of the country applied to authorize the prosecution of such offences committed without its territory.

II. The crimes and offences comprehended by the preceding Article are—

1. Assassination.
2. Poisoning.
3. Parricide.
4. Infanticide.
5. Manslaughter.
6. Violation and rape.
7. Arson.
8. Alteration or falsification of documents of public credit, bank notes or public or private securities, issuing or bringing into circulation of such counterfeit or falsified documents, bank notes, or securities, falsification by means of manuscript or of telegraphic messages, and making use of such counterfeit, manufactured, or falsified messages, documents of credit, bank notes, or securities.
9. Making false money, including counterfeiting and alteration ; issue and bringing into circulation of counterfeit or altered money ; as also fraud in the selection of samples for the trial of the fineness and weight of coins.
10. Perjury and false declarations of experts or interpreters.
11. Attempts against the liberty of the subject and violation of domicile, committed by private individuals.
12. Robbery, extortion, fraud, exactions, or misappropriation, committed by public functionaries.
13. Fraudulent bankruptcies and frauds connected with failures.
14. Associations of criminals.
15. Threats, of acts punishable by the criminal laws, against the person or property ; offers or proposals to commit a crime or to take part in it, or acceptance of such offers or proposals.
16. Abortion.
17. Bigamy.
18. Stealing, receiving, concealment, substitution, or
19. Exposing or abandoning children.
20. Kidnapping.
21. Indecent assault, with violence.
22. Indecent assault, committed without violence on the person, or with the aid of the person, of a child of either sex under 14 years of age.
23. Attempts against morals, inciting, aiding or abetting, habitually, for the gratification of the passions of third parties, the licentiousness or corruption of minors of either sex.
24. Wilful and premeditated assault and wounding, whether occasioning death or incurable injury, or permanent incapacity for

work, or resulting in serious mutilation, or the amputation, or the loss of the use of a member, or blindness or loss of the complete use of an organ.

25. Abuse of confidence and imposition.

26. Subornation of witnesses, experts, or interpreters.

27. Perjury.

28. Alteration or falsification of seals, stamps, punches, or marks; use of counterfeit or falsified seals, stamps, punches, or marks, and improper use of true seals, stamps, punches, transport coupons, postal seals, and marks.

29. Corruption of public functionaries.

30. Destruction of a railway line, interference with the running of trains, with the object of occasioning either the death or the injury of the passengers.

31. Destruction of steam-engine constructions, or telegraphic apparatus.

32. Destruction or damaging of sepulchres, monuments, objects of art, deeds, documents, registers, and other papers.

33. Destruction, damaging, or injury of goods, merchandize, and other movable property.

34. Destruction or devastation of crops, plantations, trees, or grafts.

35. Destruction of agricultural implements, and destruction or poisoning of cattle and other animals.

36. Opposition to the making or execution of public works.

37. Barratry and piracy, comprising both the seizing of a vessel by persons belonging to its crew, by means of fraud or violence towards the captain or whoever may represent him; and the abandoning of the vessel by the captain, except in those cases provided for by the law.

38. Attack on or resistance to the captain by the crew of a vessel, accompanied by acts of violence by more than one-third of the crew, refusal to obey the orders of the captain or mate, for the saving of the ship or cargo, with blows and wounding, plot against the safety, liberty, or authority of the captain.

39. Receiving of articles acquired by means of any of the crimes or offences specified in the present Convention.

Attempts to commit the foregoing, when punishable according to the laws of the two contracting countries, are comprehended in the above-mentioned provisions. In all cases, extradition shall only take place for criminal acts which may be punishable in the country applied to by a penalty of not less than one year's imprisonment.

III. The requisition for extradition shall always be made through the diplomatic channel.

IV. Extradition shall be granted by virtue of the presentation,

either of the original or certified copy of the decision or sentence of condemnation, or of the warrant of arrest, or of any other order having the same force, provided that it contains an exact description of the act for which it may have been issued. These documents shall be accompanied by a copy of the text of the Law applicable to the alleged offence, and, if possible, by the record of the individual claimed.

V. In urgent cases the provisional arrest shall be effected on the receipt of notice, sent by post or telegraph, of the existence of a warrant of arrest; on condition, nevertheless, that this notice be given in due form, through the diplomatic channel, to the Minister of Foreign Affairs of the country applied to. The provisional arrest shall take place in the manner and according to the regulations established by the laws of the Government applied to; and shall cease to be effective if, at the expiration of three months reckoned from the time it was effected, the accused be not shown one of the documents referred to in Article IV of the present Convention.

VI. The extradition shall not take place if it is applied for on account of an offence for which the person claimed has already been convicted, declared innocent or acquitted in the country of the Government applied to.

If the person should be proceeded against or convicted in the country in which he is found, his extradition shall be deferred until the abandonment of the prosecution, the declaration of his innocence or acquittal, or the time when he has served his sentence.

In the event of his being prosecuted or detained in the same country on account of liabilities contracted with private individuals, his extradition shall take place, notwithstanding the injured parties being at liberty to enforce their rights before the competent authority.

VII. When the same person is claimed at the same time by several States, the State applied to is at liberty to decide to which country he shall be handed over.

VIII. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if the President of the nation where he is found believes that, although extradition is applied for in respect to an ordinary offence, the real object is to punish a political offence; in such case the President is not obliged to state the reasons for his refusal.

Attempts against the person of the Head of a foreign State or against a member of his family, when such attempts are of the nature of homicide, assassination, or poisoning, shall not be considered as political offences or as acts in the nature of such offences.

IX. The person surrendered can in no case be prosecuted or punished in the State in which the extradition has been granted, nor be handed over to a third State, for any crime or offence not provided for in the present Convention and previous to his extradition, until he has had in either case the opportunity of leaving the before-mentioned country during three months after his trial, or, in case of conviction, after having served his sentence or having been pardoned.

Neither can he be prosecuted or punished on account of a crime or offence provided for in the present Convention and previous to his extradition, but distinct from that which caused the latter, except with the consent of the Government that granted it, which may, if it thinks proper, require the production of one of the documents mentioned in Article IV of the present Convention. The consent of this Government shall be equally necessary to permit the extradition of the accused to a third country. Nevertheless, such consent shall not be necessary when the accused of his own accord asks to be tried or to serve his sentence, or when he has not, within the period above mentioned, left the territory of the country to which he was handed over.

X. Extradition shall be refused if, in accordance with the laws of the country in which the accused is found, exemption from punishment or prosecution is acquired from lapse of time, to be reckoned from the date of the alleged acts, or from the date of prosecution or conviction.

XI. When grounds exist for granting extradition, all articles seized which might serve to prove the crime or offence, as well as the stolen goods, shall, according to the judgment of the competent authority, be handed over to the demanding State, both when extradition is effected, the accused being arrested, and when it is impossible to effect the same, through the fresh escape or death of the prisoner. This delivery shall also comprise any articles the accused may have hidden or deposited in the country and which are subsequently discovered.

The rights of third parties, not implicated in the prosecution, who may have acquired any articles mentioned in the present Article, shall not be affected.

XII. The expenses incurred in the arrest, detention, custody, food, and travelling expenses of the person whose extradition is granted, as also the cost of transport of the objects mentioned in the preceding Article, shall be borne by the Government applying for the extradition.

XIII. It is formally stipulated that the extradition, by way of transit through the respective territories of the Contracting States, of a person who does not belong to the country through which he is

passing, shall be granted on the mere presentation of the original or a certified copy of one of the documents mentioned in Article IV above quoted, provided that the act which forms the basis for the extradition is comprised in the present Convention, and is not included in the provisions of Articles VIII and IX.

XIV. When in the prosecution of a non-political criminal case one of the Governments considers the examination of witnesses residing in the other State to be necessary, it shall send a request to that effect through the diplomatic channel; and the competent authorities shall carry out the same according to the laws of the country in which the examination of witnesses is held. Both Governments renounce all claim having for object the reimbursement of expenses resulting from the fulfilment of such requests, except in the case of the examination of experts in criminal, commercial, or medical-legal cases, which may require several days to carry out.

XV. When in a non-political criminal case the notification of any proceedings or of a sentence issued by the authority of one of the contracting countries has to be made to a person residing in the other country, the document forwarded through the diplomatic channel shall be notified to him personally by direction of the Public Prosecutor's office of his place of residence, through the competent authority, and the original indorsed with a duly legalized Minute of such notification shall be returned through the same channel to the demanding Government.

XVI. When in a non-political criminal case the personal appearance of a witness is needed, the Government of the country where the latter is residing shall request him to appear where he is summoned. If the witness consents to proceed, he shall be at once furnished with the passport that may be necessary, and his travelling and living expenses shall be given to him, according to the current tariffs and regulations, by the country in which the examination is to take place. No witness of whatsoever nationality who, summoned by one of the two countries, shall voluntarily appear before the Courts of the other, can be prosecuted or arrested for previous criminal or correctional acts or convictions, nor for alleged complicity in the acts which form the subject of the case in which he figures as witness.

When, in any non-political criminal case commenced in either of the two countries, the presentation of proof or judicial documents is considered expedient, the request for the same made through the diplomatic channel shall be complied with, except where special considerations prevent it, on condition of the return of such documents.

The Contracting Governments renounce all claim for all expenses

limits of their respective territories for the records and documents.

Governments oblige themselves to communicate the convictions for crimes and offences of given by the Courts of one State against

Such communications shall be effected by through the diplomatic channel, of a bulletin once pronounced to the Government of the criminal belongs. Each of the two Governments necessary instructions to the competent

Convention shall be for five years, counted exchange of the ratifications; it shall come after the date of such exchange of ratifications in force until one year from the day on Governments may declare its wish to

and the ratifications exchanged, as soon as authentic.

the respective Plenipotentiaries have signed seals.

Guatemala, in two originals, the 18th day of

(L.S.) JOSÉ F. GONZÁLEZ.

(L.S.) RAMÓN A. SALAZAR.

entre l'État Indépendant du Congo et la Belgique.—Signé à Bruxelles, le 21 Novembre,

angées à Bruxelles, le 1^{er} Avril, 1895.]

les Belges, Souverain de l'État Indépendant Belgique le Président de la République de Portugal, afin de mieux assurer l'administration des crimes dans leurs territoires respectivement, sous certaines conditions, les condamnées du chef des crimes ci-après ont fui la justice de leurs pays, ont nommé Juges à l'effet de conclure un Traité dans ce

les Belges, Souverain de l'État Indépendant van Eetvelde, Secrétaire d'État de l'État

Indépendant du Congo, Commandeur de l'Ordre de Léopold, Grand Cordon de l'Ordre de la Rédemption Africaine, Grand Cordon de l'Ordre du Christ de Portugal, Grand Cordon de l'Ordre de Saint Grégoire le Grand, Chevalier de 2^e classe avec plaque de l'Ordre de la Couronne Royale de Prusse, Grand Officier de l'Ordre de l'Étoile Brillante de Zanzibar, &c. ;

Son Excellence le Président de la République de Libéria, le Baron de Stein, Grand Cordon de l'Ordre de la Rédemption Africaine, Grand Officier de l'Ordre Royal du Lion, Commandeur de l'Ordre de Léopold, Commandeur de la Légion d'Honneur, &c. Commissaire et Plénipotentiaire spécial de son Gouvernement ;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à se livrer réciproquement, dans les circonstances et les conditions établies par le présent Traité, les individus qui, étant poursuivis ou condamnés pour un crime ou un délit commis sur le territoire de la Partie requérante, seront trouvés sur le territoire de l'autre Partie, pour autant que ces individus soient trouvés dans les parties du territoire de la Partie requise soumises à une Administration régulière.

Néanmoins, lorsque le crime ou le délit donnant lieu à une demande d'extradition aura été commis hors du territoire des deux Parties Contractantes, il ne pourra être donné suite à cette demande que si la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

II. Les crimes et délits donnant lieu à extradition sont les suivants :—

1. Meurtre (y compris l'assassinat, le parricide, l'infanticide, l'empoisonnement), tentative de meurtre, complot en vue de meurtre dans les cas prévus simultanément par la législation des deux pays ;

2. Homicide commis sans préméditation ou guet-apens ;

3. Coups portés et blessures faites volontairement avec préméditation ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte de l'usage absolu d'un organe, une mutilation grave ou la mort sans l'intention de la donner ;

4. Contrefaçon ou altération de monnaie, ainsi que mise en circulation de la monnaie contrefaite ou altérée ;

5. Contrefaçon ou falsification des poinçons, coins, ou cartons destinés à la fabrication des monnaies ;

6. Faux, contrefaçon, ou altération, ou mise en circulation de tout ce qui est falsifié, contrefait, ou altéré ;

7. Soustraction frauduleuse ou vol ;

8. Destruction ou dégradation de constructions, machines, plantations, récoltes, instruments d'agriculture, appareils télégraphiques, ouvrages d'art, navires, tombeaux, dommages causés volontairement au bétail et à la propriété mobilière, délits qui sont réprimés dans la République de Libéria sous le nom de "malicious injuries to property ;"

9. Escroquerie d'argent, marchandises ou valeurs sous de faux prétextes :

10. Recèlement frauduleux d'argent, valeurs ou objets mobiliers provenant d'escroquerie, de vol, ou de détournement ;

11. Crimes de banqueroutiers frauduleux prévus par la loi des deux pays ;

12. Détournement ou dissipation frauduleux au préjudice d'autrui, d'effets, deniers, marchandises, quittances, écrits de toute nature contenant ou opérant obligation ou décharge, et qui avaient été remis à condition de les rendre ou d'en faire un usage déterminé ;

13. Faux serment, faux témoignage, et subornation de témoins ;

14. Bigamie ;

15. Viol ;

16. Attentat à la pudeur sans violence ni menaces sur des enfants de l'un ou de l'autre sexe âgés de moins de 14 ans ;

17. Attentat à la pudeur avec violences ou menaces sur des personnes de l'un ou de l'autre sexe ;

18. Administration de drogues ou usage d'instruments en vue de provoquer l'avortement ;

19. Enlèvement de mineurs ;

20. Enlèvement d'enfants ;

21. Délaissement, exposition, ou recel d'enfants ;

22. Attentat à la liberté individuelle commis par des particuliers ;

23. Vol avec effraction ou escalade ;

24. Incendie ;

25. Vol avec violence (comprenant l'intimidation) ;

26. Tout acte punissable commis avec l'intention méchante de mettre en danger des personnes se trouvant dans un train de chemin de fer ;

27. Menaces d'attentat punissables d'une peine criminelle ;

28. Prise d'un navire par les marins ou passagers par fraude ou violences envers le capitaine ;

29. Échouement, perte, destruction, ou tentative d'échouement, de perte, ou de destruction d'un navire à la mer par le capitaine ou les officiers et gens de l'équipage ;

30. Attaque ou résistance à bord d'un navire en haute mer et voies de fait envers le capitaine par plus d'un tiers de l'équipage ;

étranger ou contre celle des membres de sa famille, lorsque cet attentat constitue le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

VII. La personne extradée pourra toutefois être poursuivie ou punie contradictoirement dans les cas suivants, pour une infraction autre que celle qui a motivé l'extradition :—

1. Si elle a demandé à être jugée ou à subir sa peine, auquel cas sa demande sera communiquée au Gouvernement qui l'a livrée ;

2. Si elle n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel elle a été livrée ;

3. Si l'infraction est comprise dans la Convention et si le Gouvernement auquel elle a été livrée a obtenu préalablement l'adhésion du Gouvernement qui a accordé l'extradition. Ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article IX de la présente Convention.

VIII. Les demandes d'extradition doivent être faites par la voie diplomatique ou consulaire.

Néanmoins, en cas d'urgence, elles peuvent être échangées directement entre le Gouverneur-Général au Congo, agissant au nom de Sa Majesté le Roi-Souverain de l'État Indépendant du Congo, et son Excellence le Président de la République de Libéria.

IX. Lorsque la personne dont l'extradition est réclamée aura été condamnée à raison du crime ou du délit qu'elle a commis, la demande d'extradition sera accompagnée d'une expédition authentique de l'arrêt de la Cour ou du jugement du Tribunal qui aura prononcé la sentence, munie du sceau de cette juridiction.

La signature devra être légalisée par l'autorité compétente.

Quand le fugitif sera simplement prévenu d'un crime ou d'un délit, la réquisition devra être accompagnée d'une copie authentique du mandat d'arrêt, rendu à sa charge dans le pays où le crime a été commis, et des dépositions sur lesquelles ce mandat a été décerné.

L'Agent compétent dans l'État Indépendant du Congo ou le Président de Libéria peut alors requérir l'arrestation du fugitif, afin d'examiner devant l'autorité judiciaire compétente. S'il est décidé qu'il y a lieu à extradition en présence du texte de la loi et des pièces produites, le fugitif peut être livré suivant les formes légales usitées en pareil cas.

X. En cas d'urgence, l'arrestation provisoire sera effectuée sur avis, transmis par la poste ou le télégraphe, de l'existence d'un mandat d'arrêt, sous la condition toutefois que cette information sera régulièrement donnée par l'une des voies indiquées à l'Article VIII.

L'arrestation provisoire aura lieu dans les formes et suivant les règles établies par la législation du Gouvernement requis ; elle cessera d'être maintenue si, dans le délai de trois mois à partir du

moment où elle aura été effectuée, l'inculpé n'a pas reçu communication de l'un des documents mentionnés à l'Article II de la présente Convention.

XI. Tout objet trouvé en la possession de l'individu réclaté au moment de son arrestation sera, si l'autorité compétente en a ordonné, saisi pour être livré avec sa personne lorsque l'extradition aura lieu. Cette remise ne sera pas limitée aux objets acquis par le crime ou la banqueroute frauduleuse, mais elle s'étendra à toute chose qui pourrait servir de pièce à conviction.

Elle se fera même si l'extradition, après avoir été acceptée, ne peut s'accomplir par suite de l'évasion ou de la mort de l'inculpé réclamé.

Sont cependant réservés les droits des tiers sur les biens susmentionnés.

XII. Toutes les dépenses relatives à l'extradition seront supportées par l'État requérant.

XIII. Le présent Traité entrera en vigueur trois mois après l'échange des ratifications.

Chaque partie peut en tout temps mettre fin au Traité en donnant à l'autre, six mois à l'avance, avis de son intention.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Bruxelles le plus tôt possible.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé le sceau de leurs armes.

Fait à Bruxelles, le 21^e jour du mois de Novembre de l'année 1894.

(L.S.) BARON DE STEIN.

(L.S.) EDMOND VAN EETVELD.

*CONVENTION between Denmark and the Netherlands
for the Extradition of Criminals. — Signed at Copenhagen
January 18, 1894.*

[Ratifications exchanged at Copenhagen, February 15, 1894.]

SA Majesté la Reine des Pays-Bas et en son nom Sa Majesté le Roi des Pays-Bas, et Sa Majesté le Roi du Danemark, ayant résolu d'un commun accord de conclure une nouvelle Convention pour l'extradition des malfaiteurs, ont arrêté et signé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine Régente du Royaume des Pays-Bas, M. Budolphe Auguste Alexandre Edouard de Pestel, son

Extraordinaire et Ministre Plénipotentiaire, Chevalier de l'Ordre du Lion Néerlandais, &c. ; et

Sa Majesté le Roi de Danemark, M. le Baron Kjeld Thor Tage Otto de Reedtz-thott, son Ministre des Affaires Étrangères, Commandeur de l'Ordre de Danebrog et décoré de la croix d'honneur du même ordre ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement des Pays-Bas et le Gouvernement de Danemark s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'État auquel l'extradition est demandée :

1.—(a.) Attentat contre la vie ou la liberté du Roi, de la Reine régnante, du Régent ou d'un autre Chef d'un État ami, ou entrepris dans le dessein de les rendre incapables de régner ;

(b.) Attentat contre la vie ou la liberté de la Reine non régnante, de l'héritier présomptif du Trône ou d'un membre de la Famille Souveraine ;

2. Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant ;

3. Menaces d'attentat à la vie, de viol, d'acte d'immoralité avec violence, ou d'incendie, faites par écrit et sous une condition déterminée, et dans le dessein de se procurer un avantage à soi ou à autrui ;

4. Avortement, procuré par la femme enceinte ou par d'autres ;

5. Sévices, ayant occasionné la mort ou une maladie ne laissant pas de chance de guérison complète ou une incapacité permanente d'exercer ses fonctions ou son emploi, ou l'avortement d'une femme, ou la mort de son fruit, et sévices commis avec préméditation ;

6. Viol ; actes d'immoralité commis avec violence ou avec menaces de violence ; le fait d'avoir, en dehors du mariage, un commerce charnel avec une femme au-dessous de l'âge de seize ans, ou avec une femme au-dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance ; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de seize ans ; excitation d'une personne au-dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers ;

7. Excitation à la débauche de personnes non mariées au-dessous de l'âge de vingt-trois ans et tout acte ayant pour objet de favoriser à dessein la débauche de telles personnes avec un tiers en vue d'un lucre ou par métier, ou même sans ces deux dernières circonstances, lorsqu'il s'agit du père, de la mère, du tuteur ou du subrogé tuteur ;

8. Bigamie ;
9. Enlèvement, recel, suppression, substitution, ou suppositio
d'un enfant ;
10. Enlèvement de personnes non mariées au-dessous de l'âge d
vingt-trois ans ;
11. Contrefaçon ou altération de monnaies ou de papier-monnaie
entreprise dans le dessein d'émettre ou de faire émettre ce
monnaies ou ce papier-monnaie comme non-contrefaits et non-altérés
ou mise en circulation de monnaies ou de papier-monnaie contrefait
ou altérés, lorsqu'elle a lieu à dessein ;
12. Contrefaçon ou falsification de timbres émis par l'État
apposition de fausses marques de l'État ou de fausses marque
d'ouvrier, exigées par la loi sur des ouvrages d'or ou d'argent
falsification et apposition frauduleuse de ces marques ;
13. Faux en écriture et usage fait à dessein de l'écriture fauss
ou falsifiée, pour autant qu'il s'agit d'un écrit dont peut résulte
quelque droit, quelque obligation, ou l'extinction d'une dette, ou qu
est destiné à servir de preuve ; la détention ou l'introduction d
l'étranger de billets d'une banque de circulation fondée en vertu d
dispositions légales, dans le dessein de les mettre en circulation
comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au momen
où il les a reçus qu'ils étaient faux ou falsifiés ;
14. Faux serment ;
15. Corruption de fonctionnaires publics, punissable selon le
Articles 178, 363 et 364 du Code Pénal Néerlandais et le
Articles 118, 120 et 121 du Code Pénal Danois ; concussion
détournement commis par des fonctionnaires ou par ceux qui son
considérés comme tels ;
16. Incendie allumé à dessein, lorsqu'il peut en résulter u
danger commun pour des biens ou un danger de mort pour autrui
incendie, allumé dans le dessein de se procurer ou de procurer à u
tiers un profit illégal au détriment de l'assureur ou du porteur léga
d'un contrat à la grosse ;
17. Destruction illégale commise à dessein d'un édifice appart
nant en tout ou en partie à un autre, ou d'un édifice ou d'un
construction lorsqu'il peut en résulter un danger commun pour de
biens ou un danger de mort pour autrui ;
18. Actes de violence commis en public, à forces réunies, contr
des personnes ou des biens ;
19. Le fait illégal commis à dessein de faire couler à fond, de
faire échouer, de détruire, de rendre impropre à l'usage ou d
détériorer un navire, lorsqu'il peut en résulter un danger pour
autrui ;
20. Émeute et insubordination des gens de l'équipage contre
leurs supérieurs ;

besoin d'avoir mis en péril un coupé sur

og River);

tournevent;

ing;

chaise.

les qualifications précédentes la tentative et
sont punissables d'après la législation qui
est demandée.

on ne s'étend pas sur nationaux. Ne
n'autre la faculté de ne pas livrer les
liés dans le pays à moins que la demande
e un fait commis par l'étranger avant son
t que la demande ne soit faite avant que
depuis deux ans révolus.

aura pas lieu:

a été commis dans un pays tiers et que
pays requiert l'extradition;

de en sera motivée par le même fait pour
a été jugé dans le pays auquel l'extradition
et duquel il y a été condamné, à moins qu'un

du pays auquel l'extradition est demandée
ou de la peine est acquise avant l'arresta-
tion, ou, l'arrestation n'ayant pas encore
été citée devant le Tribunal pour être

aura pas lieu aussi longtemps que l'individu
pour le même fait dans le pays auquel
lée.

classe est poursuivi ou subit une peine pour
que celle qui a donné lieu à la demande
dition ne sera accordée qu'après la fin de la
quel l'extradition est demandée, et, en cas de
qu'il aura subi sa peine ou qu'il aura été
si d'après les lois du pays qui demande
ption de la poursuite pourrait résulter de ce
ra accordée, si des considérations spéciales ne
obligation de renvoyer l'extradé aussitôt que
ys sera finie.

lé ne pourra être ni poursuivi ni puni, dans le
on a été accordée, pour un fait punissable
par la présente Convention et antérieur
tradé à un État tiers sans le consentement de
tradition, à moins qu'il n'ait eu la liberté de

quitter de nouveau le pays susdit pendant un mois après avoir jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef du fait prévu par la Convention, antérieur à l'extradition, sans consentement du Gouvernement qui a livré l'extradé, et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article VII de la présente Convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine, ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

VI. Les dispositions du présent Traité ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'Article I ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée, et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

VII. L'extradition sera demandée par la voie diplomatique et sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente Convention, ainsi que la disposition pénale qui lui est applicable.

VIII. Les objets saisis en la possession de l'individu réclamé seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

IX. En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente Convention pourra être demandée :

Du côté des Pays-Bas par tout officier de justice ou tout Juge d'Instruction (Juge Commissaire);

Du côté du Danemark par tout Juge d'Instruction ou par le Président du Tribunal de Commerce de Copenhague.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

X. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si, dans le délai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

XI. Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une Commission Rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître. En cas d'urgence toutefois une Commission Rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des États à l'autorité judiciaire dans l'autre État.

Toute Commission Rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction Française.

XII. Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement il lui sera accordé des frais de voyage et de séjour, d'après la décision du Tribunal en vertu des tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, ou, à défaut de tels tarifs ou règlements, en lui allouant l'indemnité allouée par le Gouvernement requérant à la demande du Gouvernement de l'autre pays, transmise par voie diplomatique.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les juges de l'autre pays ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits, objets du procès où il figurera comme témoin.

XIII. Lorsque dans une cause pénale non politique la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les pièces.

XIV. Le transit, à travers le territoire de l'un des États Contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VII, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles II et VI, et que le transport ait lieu, quant à l'escorte, avec le concours

de fonctionnaires du pays qui a autorisé le transit territoire.

Les frais du transit seront à la charge de l'État requérant.

XV. Les Gouvernements respectifs renoncent de part et à toute réclamation pour la restitution des frais d'entre transport, et autres qui pourraient résulter, dans les limites territoriaux respectifs, de l'extradition des prévenus, accusés, condamnés, ainsi que de ceux résultant de l'exécution des missions Rogatoires, et de l'envoi et de la restitution des prisonniers de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'extradité à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

XVI. La présente Convention, laquelle n'est pas applicable aux Colonies, ne sera exécutoire qu'à dater du vingtième jour de sa promulgation dans les formes prescrites par les lois du pays.

A partir de sa mise à exécution la Convention du 28 Juillet 1881 cessera d'être en vigueur, et sera remplacée par la présente Convention, laquelle continuera à sortir ses effets jusqu'à six mois après la déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée, et les ratifications en seront échangées dans un délai de six semaines ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé leurs cachets.

Fait en double expédition à Copenhague, le 18 Janvier,

(L.S.) R. DE PEREZ

(L.S.) REEDTZ-THOMSEN

TREATY between Spain and Colombia, additional to the Treaty of Peace and Friendship of January 30, 1881.—Signed at Bogotá, April 28, 1894.

[Ratifications exchanged at Bogotá, August 23, 1895]

(Translation.)

HIS Excellency the Vice-President of the Republic of Colombia, charged with the Executive Power, on the one part, and Her Majesty the Queen Regent of Spain, on behalf of her august son, the King of Spain,

Alfonso XIII, on the other, desiring to draw daily closer the relations of cordial friendship and good feeling which fortunately exist between the two nations, and to remove for the future all motives of discord and disagreement, have agreed to give a wider extension to the Treaty of Peace and Friendship signed in Paris on the 30th January, 1881,* modifying moreover Article IV of the same; and for this purpose have nominated as Plenipotentiaries:

His Excellency the Vice-President, his Minister for Foreign Affairs, Marco Fidel Suarez; and

Her Majesty the Queen Regent of Spain, Don Bernardo J. de Cologan, her Minister Resident in Colombia;

Who, after having communicated to one another their respective full powers and found them in good and due form, have agreed upon the following Articles:—

ART. I. Every controversy or difference which may arise between Colombia and Spain regarding the interpretation of the existing Treaties, and any others which may hereafter be entered into, shall be decided by an Arbitrator whose decision shall be final, and who shall be proposed and accepted by common agreement. The differences which may arise upon points unforeseen in the said Treaties or Agreements shall likewise be submitted to arbitration; but if there is not an agreement regarding the adoption of this proceeding, because the questions affect the sovereignty of the nation or are otherwise incompatible with arbitration, both Governments will be bound in every case to accept the mediation or good offices of a friendly Government for the amicable solution of all differences. When any difference between Colombia and Spain is submitted to the judgment of an Arbitrator, the High Contracting Parties shall establish, in common accord, the mode of procedure, terms and formalities which the Judge and the Parties must observe, in the course and termination of the judgment by arbitration.

II. The national status of Colombians and Spaniards shall be determined in each of the respective countries, and for legal effects in the same, by its own legislation, unless both Governments hereafter conclude special agreements upon the subjects of nationality and naturalization, with a reciprocal character.

The same rule will be observed regarding moral or judicial persons (corporate bodies), whether they be mercantile associations or others recognized by law in either one of the countries and domiciled or established in the same. The national character of corporate bodies is independent of the private nationality of their members.

III. In case a Spaniard in Colombia or a Colombian in Spain

should take part in any internal question or in the civil struggles of either of the two countries, he shall be treated, judged, and, if there be sufficient evidence, condemned by the same procedure, formalities or Tribunals as natives in similar circumstances.

IV. The two Governments cannot reciprocally exact responsibility for damages, vexations or exactions which the natives of either of the two States may suffer within the territory of the other on the part of insurgents, in time of insurrection or civil war or through sedition or riots, or on the part of savage tribes or hordes beyond the control of the Government, excepting it be through the fault or want of vigilance of the authorities of the country, so declared by the Tribunals of the same country. The Spanish and Colombian Governments shall not, therefore, be held reciprocally responsible except for their own acts or the acts performed by their Agents in the exercise of their functions. It is understood, nevertheless, that both Colombians and Spaniards are entitled to the equitable compensation or most favourable remuneration the respective Governments may concede to their own subjects or to aliens in said circumstances.

V. If a Spaniard in Colombia or a Colombian in Spain should take part in sedition, rebellion or civil war, if he should usurp political rights, or fill any such office, employment or function as carries with it a political authority or jurisdiction, he will lose the right to all exemptions and privileges of alienage which Treaties or international law may confer upon him, and be placed on the same footing as the natives in all that concerns the responsibility for his acts.

VI. Spaniards in Colombia and Colombians in Spain shall enjoy the same civil rights as citizens or subjects of the country, and the penal laws enacted for police purposes or for the public safety will be binding upon them. In either case, their goods, rights, penal responsibilities and civil actions will be protected, recognized or qualified by the same competent judicial and administrative authorities who protect, recognize or qualify those of the natives. The sentences, decrees or legal resolutions delivered at the petition, complaint or demand of aliens, and which have acquired definitive shape, in harmony with the instances and formalities which the local legislation requires, will take effect and be carried out in the same manner as in respect to natives of either country. Spaniards in Colombia and Colombians in Spain shall have no right to diplomatic intervention except in the case of a manifest denial of justice, or refusal or negligence in the administration of justice.

VII. The High Contracting Parties reserve to themselves the right to refuse admission to and to expel from their territories, in accordance with their respective laws, such individuals as by their

evil life or conduct may be considered pernicious. The means adopted for the expulsion decided upon by one Government shall be communicated to the accredited Representative of the other.

VIII. The two High Contracting Parties guarantee to one another reciprocally most-favoured-nation treatment in all that concerns the establishment of their respective subjects in either of the two countries, as also in the matter of navigation and transit.

IX. The most-favoured-nation clause is not to apply to the special concessions or favours granted to frontier countries.

X. Certificates of studies and University or professional diplomas granted in either of the two countries in favour of Colombians or Spaniards will be reciprocally recognized as valid in the other, as soon as their authenticity and the identity of the holder is proved.

The authenticity shall be established by legalization in the usual way, and the identity of the holder shall be proved by a certificate issued by the respective Legations, and failing that, by some Consular authority resident in the country in which the diploma was conferred, and subject equally to the usual legalization.

These requirements having been fulfilled, and without prejudice to the reciprocal communications by both Governments of the syllabus of studies or of an understanding concerning any other administrative details between them, the studies in the Colleges, Universities or special schools of either country may be assimilated; and the professions to which their diplomas relate may be exercised, it being understood that the persons in question are to submit to all the regulations, taxes and duties applicable to natives.

XI. This Treaty shall be ratified in accordance with the laws of the respective Governments, and the ratifications shall be exchanged at Bogotá as soon as possible. It will remain in force until one year after the day on which one of the High Contracting Parties denounce it in whole or in part.

In virtue of which the Undersigned have signed two copies in Bogotá on the 28th April, 1894.

(L.S.) MARCO FIDEL SUÁREZ.

(L.S.) BERNARDO J. DE COLOGAN.

*CONVENTION between Germany and Russia, respecting the
Repatriation of their respective Subjects.—Signed at Berlin,*

January 29
February 10, 1894.*

LE Gouvernement Impérial de Russie et le Gouvernement Impérial Allemand, animés du désir de régler la question du rapatriement des ressortissants d'un des deux pays qui se trouvent dans le territoire de l'autre, sont convenus de ce qui suit :—

ART. I. Chacune des deux Parties Contractantes s'engage à recevoir ceux de ses anciens ressortissants qui, après avoir perdu leur nationalité, soit par un séjour à l'étranger, soit par un acte d'expatriation, soit par une autre raison quelconque, n'en ont pas acquis une autre.

Il est cependant entendu que la réception ne sera pas accordée pour des individus n'ayant jamais possédé la nationalité perdue par leurs parents.

II. Les individus devant être rapatriés seront reçus à la suite d'une correspondance directe entre les autorités frontières Russes et Allemandes.

Le renvoi d'un individu sera annoncé préalablement à l'autorité frontière dans le district de laquelle la réception doit avoir lieu, et celle-ci, d'après le résultat d'un examen des circonstances et des papiers de légitimation, donnera son consentement à la réception de cet individu à un endroit indiqué.

III. Une correspondance préalable ne sera pas nécessaire si l'individu à rapatrier est muni de papiers valables ou expirés seulement depuis une année, ou qu'il n'y ait aucun doute qu'il ne possède la nationalité ou qu'il ne l'ait possédée auparavant.

Dans tous ces cas les autorités frontières seront tenues de le recevoir sans autre formalité.

IV. La correspondance par voie diplomatique aura lieu dans le cas où les autorités frontières ne parviendront pas à un accord sur le rapatriement, ainsi que dans les cas où la décision des autorités frontières sera désapprouvée par les autorités supérieures du pays d'origine.

V. Les localités où la réception des individus à rapatrier s'effectuera exclusivement seront fixées par les Parties Contractantes.

VI. Chacune des Parties Contractantes désignera à l'autre les autorités frontières chargées des négociations sur le rapatriement.

VII. Les deux Gouvernements s'engagent à aviser leurs autorités frontières de donner une solution aussi prompte que possible à toutes les demandes de rapatriement qui leur seront adressées.

* Signed also in the Russian language.

VIII. Cet arrangement restera en vigueur aussi longtemps qu'il n'est pas dénoncé d'une part ou d'autre.

En ce cas il restera valable encore pendant trois mois à partir du jour où la dénonciation par une des Parties aura été communiquée à l'autre.

IX. La présente Convention sera exécutoire à dater du 20^e jour après sa promulgation dans les formes prescrites par les lois des deux Empires.

Berlin, le ^{30 Janvier}_{10 Février}, 1894.

(L.S.) COMTE PAUL SCHOUVALOFF.

(L.S.) BARON DE MARSCHALL.

*TREATY of Commerce and Customs between Germany and
Servia.—Signed at Vienna, August $\frac{8}{11}$, 1892.*

[Ratifications exchanged at Berlin, December 30, 1893.]

SEINE Majestät der deutsche Kaiser, König von Preussen, im Namen des deutschen Reichs, und die Regentschaft des Königreichs Serbien im Namen Seiner Majestät des Königs von Serbien, von dem gleichen Wunsche beseelt, die zwischen den beiderseitigen Gebieten bestehenden Handelsbeziehungen zu erleichtern und auszudehnen, haben beschlossen, zu diesem Zweck einen neuen Vertrag abzuschliessen, und haben zu ihren Bevollmächtigten ernannt:

Seine Majestät der deutsche Kaiser, König von Preussen, Allerhöchstihren Generaladjutanten und General der Kavallerie, Seine Durchlaucht den Prinzen Heinrich VII, Reuss, ausserordentlichen und bevollmächtigten Botschafter bei Seiner Majestät dem Kaiser von Oesterreich, König von Böhmen, &c., und apostolischen König von Ungarn;

Die Regentschaft des Königreichs Serbien, G. S. Simics, ausserordentlichen Gesandten und bevollmächtigten Minister Serbiens bei Seiner Majestät dem Kaiser von Oesterreich, König von Böhmen, &c., und apostolischen König von Ungarn;

Welche, nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten, den nachstehenden Handels- und Zollvertrag vereinbart und abgeschlossen haben:—

ART. 1. Zwischen den Gebieten der beiden vertragschliessenden Theile soll volle Freiheit des Handels und der Schifffahrt bestehen.

Die Angehörigen eines jeden der vertragschliessenden Theile sollen in dem Gebiete des anderen dieselben Rechte, Begünstigungen und Befreiungen in Ansehung des Handels und Verkehrs,
[1893-94. LXXXVI.] 2 P

der Schifffahrt und des Gewerbebetriebes geniessen, welche in eben diesem Gebiete die eigenen Staatsangehörigen und die Angehörigen der meistbegünstigten Nation geniessen oder geniessen werden.

II.* Demgemäss sollen die Angehörigen jedes der vertragsschliessenden Theile gegenseitig in dem Gebiete des anderen in gleichem Masse wie die Einheimischen und die Angehörigen der meistbegünstigten Nation befugt sein, an beliebigem Orte sich vorübergehend aufzuhalten oder dauernd niederzulassen, Grundstücke jeder Art und Häuser zu kaufen, oder dieselben ganz oder theilweise zu miethen und zu besitzen, überhaupt bewegliche und unbewegliche Güter zu erwerben, darüber durch Rechtsgeschäfte jeder Art zu verfügen, dieselben insbesondere zu verkaufen und zu vererben, sowie Erbschaften vermöge letzten Willens oder kraft Gesetzes zu erwerben; alles dies Vorstehende, ohne hierzu einer besonderen Autorisation oder Genehmigung der Landesbehörden zu bedürfen; sie sollen daselbst Handel und Gewerbe treiben, Geschäfte jeder Art selbst oder vermittelt einer von ihnen gewählten Mittelsperson, allein oder in Gesellschaften betreiben, Waaren und Personen verfrachten, Geschäftsniederlagen errichten, die Preise, Löhne und Vergütungen ihrer Waaren und Leistungen bestimmen, sowie ihre Angelegenheiten besorgen, den Zollämtern ihre Deklarationen einreichen können.

In allen diesen Beziehungen sollen andere, höhere oder lästigere Abgaben, Steuern, Gebühren oder Taxen, als die Inländer oder Angehörigen der meistbegünstigten Nation zu entrichten haben, nicht erhoben und ein Unterschied nach der Konfession nicht gemacht werden.

Soweit die beiderseitigen Angehörigen wegen Verfolgung oder Vertheidigung ihrer Rechte und Interessen sich an die Behörden und Gerichte des Landes zu wenden haben, sollen sie gleichfalls alle Rechte und Befreiungen der Inländer und der Angehörigen der meistbegünstigten Nation geniessen.

Es ist selbstverständlich, dass hierbei die im Lande in Bezug auf Handel, Gewerbe und öffentliche Sicherheit bestehenden und auf die Inländer und Angehörigen der meistbegünstigten Nation anwendbaren Gesetze und Verordnungen zu beobachten sind.

Aktiengesellschaften und sonstige kommerzielle, industrielle oder finanzielle Gesellschaften, welche in dem Gebiete des einen der vertragsschliessenden Theile nach Massgabe der dort geltenden Gesetze entrichtet sind, sollen in dem Gebiete des anderen Theiles diejenigen Rechte auszuüben befugt sein, welche den gleichartigen Gesellschaften der meistbegünstigten Nation zustehen.

III. Die Angehörigen jedes der beiden vertragsschliessenden Theile werden auf dem Gebiete des anderen von jedem Militär-

* See Final Protocol, page 624.

dienste, sowohl in der regulären Armee, als in der Miliz und Nationalgarde befreit sein. Ebenso werden sie von jedem zwangsweisen Amtsdienste gerichtlicher, administrativer oder munizipaler Art, von allen militärischen Requisitionen und Leistungen, sowie von Zwangsanleihen und sonstigen Lasten, welche zu Kriegszwecken oder in Folge anderer aussergewöhnlicher Umstände aufgelegt werden, befreit sein; jedoch unbeschadet ihrer Verpflichtung zur Quartierleistung und zu sonstigen Naturalleistungen für die bewaffnete Macht, soweit eine solche Verpflichtung den Inländern und den Angehörigen der meistbegünstigten Nation obliegt.

Sie dürfen weder persönlich, noch in Bezug auf ihre beweglichen und unbeweglichen Güter zu anderen Verpflichtungen, Beschränkungen, Taxen oder Abgaben angehalten werden, als jenen welchen die Inländer, unterworfen sein werden.

IV. Wenn Geschäftsleute des einen vertragschliessenden Theiles im Gebiete des anderen entweder selbst reisen oder ihre Kommis, Agenten, Reisenden und sonstigen Vertreter reisen lassen zu dem Zweck, um Einkäufe zu machen oder Bestellungen zu sammeln, sei es mit oder ohne Muster, sowie überhaupt im Interesse ihrer Handels- und Industriegeschäfte, so dürfen weder diese Geschäftsleute, noch ihre erwähnten Vertreter aus diesem Anlasse einer weiteren Steuer oder Abgabe unterworfen werden, insofern durch eine nach beigeschlossenem Formular (A) ausgefertigte Legitimationskarte nachgewiesen wird, dass das Geschäftshaus, für dessen Rechnung die Reise vollzogen wird, in seinem Heimathlande die vom Betriebe seines Handels und Gewerbes entfallenden Steuern und Abgaben entrichtet hat.

Auf das Aufsuchen von Bestellungen bei nicht Gewerbetreibenden findet die vorstehende Bestimmung keine Anwendung; es werden indess auch in dieser Hinsicht die deutschen Handlungsreisenden in Serbien nicht ungünstiger behandelt werden als die inländischen.

Die Angehörigen der vertragschliessenden Theile werden wechselseitig wie die Inländer behandelt werden, wenn sie sich aus einem Lande in das andere zum Besuch der Märkte und Messen begeben, um dort ihren Handel zu treiben und ihre Produkte abzusetzen.

Die Angehörigen des einen der vertragschliessenden Theile, welche die Spedition zwischen den verschiedenen Punkten der beiderseitigen Gebiete ausüben, oder welche sich der Schifffahrt widmen, werden auf dem Gebiete des anderen aus Anlass der Ausübung dieses Gewerbes keiner Gewerbe oder speziellen Abgabe unterliegen.

V. Die vertragschliessenden Theile verpflichten sich, den gegenseitigen Verkehr zwischen ihren Gebieten durch keinerlei Ein-, Aus- oder Durchfuhrverbot zu hemmen, welches nicht entweder gleichzeitig auf alle oder doch unter gleichen Voraussetzungen auch auf andere Nationen Anwendung findet.

VI.* Die in dem beiliegenden Tarife (B) bezeichneten deutschen Boden und Industrieerzeugnisse werden bei ihrer Einfuhr in Serbien zu den durch diesen Tarif festgestellten Bedingungen zugelassen.

Die in dem beliegenden Tarife (C) bezeichneten serbischen Boden und Industrieerzeugnisse werden bei ihrer Einfuhr in Deutschland zu den durch diesen Tarif festgestellten Bedingungen zugelassen.

Jeder der beiden vertragschliessenden Theile verpflichtet sich, den anderen bei der Ein- und Ausfuhr der im gegenwärtigen Verträge genannten oder nicht genannten Waaren unverzüglich und ohne Weiteres an jeder Begünstigung, jedem Vorrechte oder jeder Herabsetzung in den Eingangs und Ausgangsabgaben theilnehmen zu lassen, welche einer von ihnen einer dritten Macht eingeräumt hat oder einräumen wird.

Für Waaren, welche nach ihrer Herkunft verschiedenen Zollsätzen unterliegen, können im wechselseitigen Verkehr Ursprungszeugnisse gefordert werden.

VII.* Hinsichtlich des Betrages, der Sicherstellung und der Erhebung der Einfuhr- und Ausfuhrzölle, der zollamtlichen Niederlagen, der Nebengebühren, der Zollformalitäten, ferner in Bezug auf die für Rechnung des Staates, einer Gemeinde oder Korporation zur Hebung gelangenden inneren Verbrauchsabgaben und Accisegebühren jeder Art verpflichtet sich jeder der beiden vertragschliessenden Theile, den anderen an jeder Begünstigung, jedem Vorrechte und jeder Herabsetzung in den Tarifen theilnehmen zu lassen, welche einer von ihnen einer dritten Macht gewährt haben sollte. Ebenso soll jede späterhin einer dritten Macht zugestandene Begünstigung oder Befreiung sofort bedingungslos und ohne Weiteres dem anderen vertragschliessenden Theile zu statten kommen.

VIII. Eine zeitweilige Befreiung von Eingangs- und Ausgangsabgaben wird beiderseits für folgende Gegenstände unter der Bedingung, dass dieselben binnen einer im Voraus bestimmten Frist zurückgeführt werden, und dass deren Identität ausser Zweifel ist, zugestanden:—

Waaren (mit Ausnahme von Verzehrungsgegenständen), welche aus dem freien Verkehr im Gebiete des einen vertragschliessenden Theiles in das Gebiet des anderen auf Märkte oder Messen oder auf ungewissen Verkauf ausser dem Mess- oder Marktverkehr versendet, in dem Gebiete des anderen Theiles aber nicht in den freien Verkehr gesetzt, sondern unter Kontrolle der Zollbehörde in öffentlichen Niederlagen gelagert oder als Muster von Geschäftsreisenden eingebracht werden.

IX. Sowie in Deutschland rücksichtlich der Zahlungen der Zölle und Nebengebühren die gegenüber der meistbegünstigten

* See Final Protocol, page 624.

Nation anwendbaren Bestimmungen auch für serbische Boden- und Industrieerzeugnisse gelten, so werden auch in Serbien deutsche Boden- und Industrieerzeugnisse keinen lokalen oder anderweitigen Zollzuschlägen, keinen neuen oder höheren Nebengebühren als den derzeit gegenüber der meistbegünstigten Nation bestehenden unterworfen werden, nämlich :

1. Ladegebühr: 20 Dinarpara per 100 kilog., und nur dort, wo der Dienst von den Angestellten des Zollamts besorgt wird ;
2. Waagegeld: 8 Dinarpara per 100 kilog. ;
3. Pflastergeld: 10 Dinarpara per 100 kilog. ;
4. Lagerzins: 5 Dinarpara per 100 kilog. und Tag; diese Taxe erhöht sich um 10 Para per 100 kilog. und Tag für leicht entzündbare und explodirende Waaren.

Es versteht sich, dass die vorstehenden Nebengebühren nur dann und nur insoweit erhoben werden können, als die Leistung, für welche sie bezahlt werden sollen, thatsächlich und auf Grund der Zollvorschriften oder Gesetze erfolgt.

Es bleibt übrigens vereinbart, dass jede Verminderung dieser Zuschlagsgebühren, welche den Waaren eines dritten Staates zugestanden würde, ohne Verzug auch auf die gleichartigen deutschen Boden- und Industrieerzeugnisse Anwendung finden soll.

X. Der gegenwärtige Vertrag findet seine Anwendung auf alle mit Deutschland gegenwärtig oder künftighin zollvereinigen Länder oder Gebietstheile.

XI.* Der gegenwärtige Vertrag tritt vom 1 Januar, 1893, ab an Stelle des Handelsvertrages vom 6 Januar, 1888,† und wird bis zum 31 Dezember, 1903, in Geltung bleiben.

Falls keiner der vertragschliessenden Theile zwölf Monate vor Ablauf der bezeichneten Periode seine Absicht, die Wirkungen des Vertrages aufhören zu lassen, kundgegeben haben wird, wird derselbe bis zum Ablauf eines Jahres, vom Tage, wo einer oder der andere der vertragschliessenden Theile ihn gekündigt haben wird, in Kraft bleiben.

XII. Gegenwärtiger Vertrag wird ratifizirt, und die Ratifikationen werden sobald als möglich in Berlin ausgewechselt werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten denselben unterzeichnet und ihre Siegel beigedrückt.

So geschehen zu Wien in doppelter Ausfertigung, den 3^{ten} August, 1892.

(L.S.) H. VII, P. REUSS.

(L.S.) G. S. SIMICS.

* See Declaration of June 24, 1893, page 627.

† Vol. LXXIV, page 334.

ANLAGE (A).

Formular (zu Artikel IV).

Gewerbe-Legitimationskarte für Handlungsreisende.

Für das Jahr 18 .

Nr. der K.

(Wappen.)

Gültig im Deutschen Reich, in Luxemburg und in Serbien.

Inhaber.

(Vor- und Zuname.)

(Ortsname), den
(Siegel.)

, 18 .
(Behörde.)
Unterschrift

Es wird hiermit bescheinigt, dass Inhaber dieser Karte
 { eine (Art der Fabrik oder Handlung) in
 { Firma besitz.

als Handlungsreisender im Dienste der Firma
 in steht, welche eine (Bezeichnung der Fa
 { Handlung) deselbst besitzt.

Ferner wird, da der Inhaber für Rechnung dieser Firma und a
nachfolgender Firma (Art der Fabrik oder H
Firmen n Waarenbestellungen aufzusuchen und Waa
zu machen beabsichtigt, bescheinigt, dass für den Gewerbebetrieb vor
Firma
Firmen im hiesigen Lande die gesetzlich bestehenden Abgaben zu e
sind.

Bezeichnung der Person des Inhabers.

Alter: _____

Gestalt:

Haare: _____

Besondere Kennzeichen: _____

Unterschrift: _____

Anmerkung.—Von den Doppelzeilen wird in das Formular, welches den entsprechenden Raum zu gewähren hat, die obere oder untere getragen, je nachdem es den Verhältnissen des einzelnen Falles entspricht.

Zur Beachtung.

Inhaber dieser Karte ist ausschliesslich im Umherzielen und aussuchen und Waareneinkäufe zu machen. Er darf nur Waaren aus den Firmen, welche auf der Karte verzeichnet sind, beschaffen. Ausserdem hat er die in jedem Staate geltenden Vorschriften zu beachten.

Serbischen General- Tarifa vom 13 April, 1892.	Benennung der Gegenstände		Din. par.	
1	Gruppe I.— <i>Papier</i> .			
	(a.) Löschpapier, ordinäres (grau oder weiss); Packpapier, Pappendeckel, und Kartonpapier aller Art (mit Ausnahme des feinen Kartonpapiers für Visitenkarten und Photographien), auch in der Masse gefärbt oder mit irgend einer Substanz zum Zweck der Verpackung, Dachbedeckung, &c., getränkt oder überzogen	100 kilog.	2 50	15 in Kisten und Flaschen, 10 in Körben, 6 in Bündeln und Stücken,
	(b.) 1. Löschpapier, feines, in der Masse gefärbt	"	8 00	
	Schreib-, Druck-, Zeichenpapier und sonstiges nicht unter Nr. 1 (a) benanntes Papier, ausgenommen Cigaretten- und Seidenpapier, .. <i>Anmerkung.</i> —Hierbei fällt auch feines Kartonpapier für Visitenkarten und Photographien, sowie Briefpapier aller Art ohne Monogramme, Zeichnungen, und Bilder, auch in Kartons aller Art und Ausstattung.	"	10 00	
	1. Cigaretten- und Seidenpapier in Bogen	"	60 00	
2	(a.) Buntpapier, lackirtes und bronirtes (eig. Gold- und Silberpapier); Transparentpapier (mit Fett oder Wachs getränkt); auf Leinwand aufgeklebtes Papier	"	80 00	
	Glas-, Sand-, und Schabigelpapier	"	8 00	

Nummer des serbischen General- Tarifs vom April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
2	<p>(b.) Bedrucktes, liniirtes (rastrirtes), Papier</p> <p>Briefpapier mit Monogrammen, Zeichnungen, und Bildern, auch in Kartons aller Art und Ausstattung; Bilderpapier</p> <p>Tapeten und Schablonen für Zimmermaler; Papierstreifen zu Verzierungen: durchschlagenes Papier; Spitzenpapier und dergl. ..</p> <p>(c) Couverts, ohne Monogramme, Zeichnungen, und Bilder, auch in Kartons aller Art und Ausstattung</p> <p>Couverts, mit Monogrammen, Zeichnungen, und Bildern, auch in Kartons aller Art und Ausstattung</p> <p><i>Anmerkung.</i> — Briefpapiere und Couverts bloß mit gedruckter Firmenbezeichnung fallen unter den Zollsatz von 10 Dinars; die mit Geweben unterlegten Couverts fallen nach ihrer näheren Beschaffenheit unter den Zollsatz von 10 oder 25 Dinars.</p>	<p>100 kilog.</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p>	<p>Din. par.</p> <p>18 00</p> <p>25 00</p> <p>46 00</p> <p>10 00</p> <p>25 00</p>	<p>15 in Kisten und Fässern.</p> <p>10 in Korben.</p> <p>5 in Ballen und Säcken.</p>
	<p>Düten und Sacke aus Packpapier, auch mit Firmenbezeichnung, &c., bedruckt</p> <p>Papier, auch bedrucktes, liniirtes (rastrirtes), in Papier oder Pappendeckel geheftet oder gebunden</p> <p>Geschäftbücher in Kalikot oder Leder gebunden, auch mit Ecken und Beschlägen aus unedlen Metallen</p> <p>Bücher, Landkarten, Musiknoten und andere ähnliche literarische, wissenschaftliche und Kunstgegenstände, falls sie gebunden oder auf Leinwand oder irgend einem anderen Stoff aufgezogen sind ..</p> <p>(d.) Bücher, Landkarten, Musiknoten, ungebunden oder brochirt.. ..</p>	<p>..</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p> <p>Frei.</p>	<p>4 50</p> <p>22 00</p> <p>20 00</p> <p>20 00</p>	

(c.) Spielkarten .. .. .	..	100 kilog.	..	60 00	
Cigarettenpapier in Bücheln oder sonstwie für Raucher vor- gerichtet .. .. .	..	"	..	40 00	15 in Kisten und Fässern..
(C) 1. Gemeine Papierwaren .. .. .	..	"	..	10 00	10 in Körben. 5 in Ballen und Säcken.
<i>Anmerkung.</i> —Hierher gehören Formerarbeiten aus Papier- masse und ähnlichen Stoffen; ferner Schachteln und dergl. Papier- oder Papparbeiten ohne wesentliche Ver- zierungen, auch in Verbindung mit gemeinen Materialien.					
2. Papierwaren, nicht besonders benannte, auch in Verbindung mit gemeinen Materialien, insoweit sie nicht der Nr. 61 (b) (Kurz- waren) zugewiesen sind .. .. .	..	"	..	90 00	
Gruppe II.—Garten- und Ackerbauprodukte.					
Mahlprodukte— Mehl und andere Mahlprodukte (gerollte, geschrotete, und geschälte Körner, Gräuben, Grütze, Gries) .. .. .	..	"	..	1 50	
Gruppe III.—Wolle und Haare.					
(a.) Garne aus Schafwolle oder Kunstwolle, aus Kameel- oder Biber- haaren, roh, gebleicht, gefärbt, bedruckt, ein- oder mehrdrängig .. .. .	..	"	..	55 00	25 in Kisten und Fässern. 10 in Ballen und Säcken.
Wollenwaren— (a.) Gemeine— 2.* Grobe Filze aus Thierhaaren oder grober Wolle (auch zu Sohlen und dergl. zugeschnitten, auch getheert oder lackirt .. .. .	..	"	..	24 00	16 in Kisten und Fässern.
Grobe Tuche, wie Halinatuch, Loden, Azur, und dergl. .. .. .	..	"	..	25 00	8 in Körben. 5 in Ballen und Säcken.
Kotzen (Pferde- und grobe Bettdecken) aus grober Wolle oder aus Hornvieh-, Pferde-, und dergl. Haaren .. .. .	..	"	..	24 00	
<i>Anmerkung.</i> —Hierher fallen auch die sog. Abfall- decken.					

* See Final Protocol, page 624.

Nummer des verbleibenden General- Tariffs vom 1. April, 1892.	Benennung der Gegenstände.	100 kilog.	Zollsat.	Taraabzüge in Prozenten des Bruttogewichts.
9	<p>(b.) Grobe Teppiche von anderen Thierhaaren, als Ziegenhaar</p> <p>Andere Teppiche aller Art, abgenommen oder nicht, ferner Decken aller Art, mit Ausnahme der unter Nr. 9 (a) 2. genannten Pferde- und großen Bettdecken und der unter Nr. 9 (c) 2. genannten Tischdecken</p> <p>(c.) Gewebe, andere als unter Nr. 9 (a) und (b) genannte, auch bedruckt, gemustert, mit oder ohne Verbindung mit Metallfäden, auch mit geringer Beimengung von Seide</p> <p>1. Tuche und tuchartige Stoffe für Herrenbekleidung und sonstige stärkere Bekleidungen, Flanelle, Watmole, Futterstoffe; feine Filze und Filzwaren, ordinäre Wirkwaren ..</p> <p><i>Anmerkung.</i> Zu den tuchartigen Stoffen gehören auch alle Modestoffe für Männerkleider, wie sie in Brunn und Reichenberg erzeugt werden.</p> <p>2. Leichte, dünne Stoffe, welche gewöhnlich zu Damenkleidern dienen (Orleans, Thibet, Cachemir, Mohair, Barege, und dergl.). Möbelstoffe, Tischdecken, Hals- und Umschlagentücher, Shawls, shawlartige Gewebe, auch mit Franzen oder Quasten; Wollplüsch, Wolksammt</p> <p><i>Anmerkung.</i>—In diese Position gehören: Alpaca, Mohair, Orleans, Thibet, Lästeres, Cachemir, Serge, Laines, Foul de chèvre, Satin, Italiancloth, Merino, Damaste, Rips, und andere Stoffe zu Möbelbezügen, Damenmodestoffe. Die Hals- und Umschlagentücher und Schärpen können auch einfach gestickt sein.</p>	..	Din. par. 24 00	<p>16 in Kisten und Fässern. 1 in Körben. 5 in Ballen und Säcken.</p>
		"	50 00	
		"	70 00	<p>18 in Kisten und Fässern. 10 in Körben. 5 in Ballen und Säcken.</p>
		"	120 00	

3. Alle durchbrochenen, feinen und leichten Gewebe, wie Blonden, Bobbinets, Petinets, Foulard, Gaze, und dergl., ebenso Tücher, Shawls, und andere ähnliche Artikel aus diesen Stoffen

150 00

"

..

Gruppe IV.—*Holz, Holzwaaren, und Arbeiten aus anderen Pflanzensstoffen.*

- (b.) Bauholz, wie: Bretter, Latten, Fassdauben, Tafeln, Pfähle, Schindeln, Träger, und Deckenbalken, Bohlen, Baumstämme, Blöcke, Stangen, &c.

0 50

..

{ 150 kilog.

{ oder m³

3 00

..

{ 100 kilog.

{ oder m³

0 50

..

{ 100 kilog.

{ oder m³

3 00

..

{ 100 kilog.

{ oder m³

3 00

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{ 100 kilog.

{ oder m³

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mer des ischen neral- fs vom ri, 1892.	Benennung der Gegenstände.		Zollsat.	Tarnabzüge in Perzenten des Bruttogewichts.
			Din. par.	
11	(b.) 1. Kochlöffel, Teller, Schachteln, Stiefelhölzer— a. Ungefärbt.. .. .	.. .. .	100 kilog. ..	4 00
	β. Gefärbt, lackirt oder angestrichen .. .. .	.. .. .	..	9 00
	Möbel aus weichem Holze, einfach angestrichen (auch einfach bemalt mit Blumen, Verzierungen, und dergl.), und blos in Verbindung mit ordinären Stroßgeflechten und Beschlägen aus Eisen— a. Truben β. Andere .. .. .	.. .. . .. .. .	.. .. . .. .. .	3 50 5 00
	Tischler-, Drecheler, Schnitz-, und andere Holzwaaren, mit Ausnahme der vorgenannten, auch in Verbindung mit anderen gemeinen Materialien:— a. Ungefärbt β. Gefärbt, lackirt oder angestrichen .. .. .	.. .. . .. .. .	.. .. . .. .. .	4 50 9 00
	2. Die unter Nr. 11 (b) 1 genannten Gegenstände, polirt <i>Anmerkung zu Nr. 11 (b) 1 und 2.</i> —In diese Position gehören Möbel aus gebogenem Holze, selbst mit nicht gebogenem Holze, mit Flechtarbeiten aus Stroh, Stuhlrohr, und dergl.; mit gedrechselten und gelochten Theilen, oder mit gepressten oder mittelst der Fraismaschine hergestellten, nicht geschnitzten Verzierungen verbunden.	.. .. .	..	12 00
	3. Möbel, gepolstert oder überzogen Andere Holzwaaren, gepolstert oder überzogen	.. .. . .. .. .	.. .. . .. .. .	18 00 32 00
				18 in Kisten und Fässern. 2 in Körben. 14 in Ballen und Rahmen.

4. Bronirte und vergoldete Leisten und Rahmen aus Holz Andere Gegenstände, vergoldet oder bronzirt (c.) Siebmacherwaaren, mit Holzreif und ohne Unterschied des Materials, aus welchem der Boden hergestellt ist..	..	..	20 00	{ 18 in Kisten und Fässern. 2 in Körben. 14 in Ballen und Rahmen.
	..	..	30 00	
	..	..	10 00	
Flechtwaaren—				
(a.) Gemeine, und zwar: aus ungeschälten Ruthen und Reisig, aus Rinde, aus Binsen oder Schilf, aus gewöhnlichem Rohr, Stroh oder Gras, ungefärbt und mit feinem Lack angestrichen, wie: Körbe, Kiepen, Bienenkörbe, Flechtwerke, Besen, Rohrmatten oder -Decken, Zöger, Brodformen, und dergl.: alle diese auch in Verbindung mit Holz, Stricken oder Garn ..	..	..	5 00	
(b.) Feine, d. h. aus spanischem Rohr, Panama, Bast, und anderem exotischen Flechtmaterial; aus geschälten Gerten und Ruthen; sowie alle feinen Arbeiten aus gewöhnlicher Rinde, Rohr, Stroh oder andern vegetabilischen Stoffen, gefärbt, ungefärbt, angestrichen, lackirt, in oder ohne Verbindung mit gewöhn- lichen Materialien (ausgenommen Hüte, Kappen, und Kurz- waaren) ..	..	..	10 00	{ 20 in Kisten und Fässern. 12 in Körben. 4 in Ballen und Säcken.
<i>Anmerkung.</i> —Hierbei gehören auch die ad a genannten Flechtarbeiten, falls sie gefärbt, lackirt oder in Ver- bindung mit dort nicht genannten Materialien sind.	..	..	50 00	
(c.) Flechtwaaren, falls sie theilweise oder ganz vergoldet oder bronzirt sind ..	..	..	10 00	
(a.) Wagen und Schlitten zum Bespannen— 1. Unbeschlagen, unangestrichen ..	per Stück	..	10 00	
2. Beschlagen oder angestrichen, jedoch ungepolstert— a. Ohne Federn ..	..	..	15 00	
b. Mit Federn ..	..	..	30 00	
3. Gepolstert ..	..	..	100 00	
(b.) Eisenbahnfahrzeuge ..	Frei.	..		
(c.) Schiffe und andere Wasserfahrzeuge mit oder ohne Zubehör— 1. Bis zu 4 Tonnen Tragfähigkeit ..	per Tonne Tragfähigkeit.	..	2 00	

Nummer des serbischen General- Tarifs vom 1 ^{ten} April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
13	2. Über 4 Tonnen neben dem obenbenannten Zollsatz für die bis 4 Tonnen, für jede weitere Tonne	per Tonne Tragfähigkeit.	Din. par. 1 00	
	3. Dampfschiffe und Schleppschiffe mit ihren Fahrzeugen, Zubehör, und Brücken <i>Anmerkung.</i> —Unter Zubehör der Dampfschiffe sind zu verstehen, Schiffseile, Anker, Segel, Ruder, Boots- haken, und andere Utensilien, sowie das ganze Wohn- und Küchenmobiliar.	Frei.		
	<i>Anmerkung.</i> auf Pontons, mit allen Mühlenbestandtheilen und Zubehör, jedoch ohne Boote, Platten, und andere Fahrzeuge .. <i>Anmerkung.</i> —Unter Mühlenzubehör versteht man alle Utensilien, die für den Mühlenbetrieb notwendig sind, wie Mühlsteine, Mühlenmaschinen, Mühlenscheuer, Brücken, Anker, und andere Schiffs- und Mählengeräthe, sowie ein gewöhnliches Mühlenmobiliar.	per Stück ..	350 00	
	Gruppe F.— <i>Thiere.</i>			
	(a.) Pferde, Stuten, und Füllen	100 kilog.	10 00	{ 15 in Kisten und Fässern. 10 in Körben. 4 in Ballen.
	(a.) Sardinen in Fässchen oder Salzlake und alle anderen Fische, gesalzen oder in Salzlake, getrocknet oder geräuchert	„	12 00	

Schmuckfedern aller Art	..	..	..	..	..	700 00	30 in Kisten und Fässern. 11 in Körben. 10 in Ballen und Säcken.
Gruppe VI. — Esswaaren und Getränke.							
Mehl, Früchten, Hülsenfrüchten, Samen, Gewürzen oder andern vegetabilischen Stoffen, gebacken, gekocht, in Essig aufgelöst oder sonst zum Genuße zubereitet—							
1. Ohne Zucker oder Honig—							
a. Brot, Gebäck, gekörnter Teig, Macaroni, Sago, Teigwaaren, und Mehlspeisen	..	..	..	..	..	6 00	
β. Obst und Traubenmost, eingekocht, und andere Säfte, durchgepresst oder eingekocht; Obst- und Gemüskonserven, und dergl.	..	..	..	..	..	12 00	
2. Mit Zucker oder Honig, als: Zuckerbäckereien, Lebkuchen, und andere Mehlspeisen; Obst und andere Vegetabilien, eingekocht oder durchgepresst, jedoch mit Zusatz von Zucker, und dergl. Hierher gehören auch: Candis-, Gersten-, Bärenzucker, und andere gefärbte Zuckerwaaren, sowie Bonbons aller Art							
(b.) Aus Fleisch, Speck, Fischen, Krebsen, Schnecken, Schalthieren, und andern animalischen Stoffen, gekocht, gebraten, geröstet, marinirt oder in anderer Weise zubereitet, wie: Marinaden, Konserven, Extrakte, Braten, Fischrogen (Kaviar und Avigut), Würste, Salami, &c.	..	..	..	..	..	25 00	18 in Kisten und Fässern. 12 in Töpfen. 10 in Körben. 4 in Ballen und Säcken.
(c.) Käse	..	..	..	..	..	25 00	
Rahm; Butter, ungesalzen und ungeschmolzen	..	..	..	..	..	15 00	
	..	..	..	..	..	15 00	

Nummer des serbischen General- Tarifs vom 1. April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Perzenten des Bruttogewichts.
13	2. Über 4 Tonnen neben dem obenbenannten Zollsatz für die bis 4 Tonnen, für jede weitere Tonne 3. Dampfschiffe und Schleppschiffe mit ihren Fahrzeugen, Zubehör, und Brücken <i>Anmerkung.</i> —Unter Zubehör der Dampfschiffe sind zu verstehen, Schiffsselle, Anker, Segel, Ruder, Boots- haken, und andere Utensilien, sowie das ganze Wohn- und Küchenmobiliar.	per Tonne Tragfähigkeit. Frei.	Din. par. 1 00	
	(d.) Schiffmühlen auf Pontons, mit allen Mühlenbestandtheilen und Zubehör, jedoch ohne Boote, Platten, und andere Fahrzeuge .. <i>Anmerkung.</i> —Unter Mühlenzubehör versteht man alle Utensilien, die für den Mühlenbetrieb nothwendig sind, wie Mühleisene, Mühlenmaschinen, Mühlenmesser, Brücken, Anker, und andere Schiffs- und Mählengeräthe, sowie ein gewöhnliches Mühlenmobiliar.	per Stück ..	350 00	
	Gruppe F.—Thiere.			
aus 14	(a.) Pferde, Stuten, und Füllen	100 kilog.	10 00	{ 15 in Kisten und Fässern. 10 in Körben. 4 in Ballen.
aus 16	(a.) Sardinen in Flaschen oder Salzlake und alle anderen Fische, gesalzen oder in Salzlake, getrocknet oder geräuchert	"	12 00	

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(f) 1. Schmuckfedern aller Art

700 00

30 in Kisten und
Fässern.
11 in Körben.
10 in Ballen und
Säcken.

Gruppe VI.—Esswaaren und Getränke.

20

Esswaaren—

(a.) Aus Mehl, Früchten, Hülsenfrüchten, Samen, Gewürzen oder sonstigen vegetabilischen Stoffen, gebacken, gekocht, in Essig eingelegt oder sonst zum Genusse zubereitet—

1. Ohne Zucker oder Honig—

a. Brot, Gebäck, gekörnter Teig, Maccaroni, Sago, Teigwaaren, und Mehlspeisen
 b. Obst und Traubenmost, eingekocht, und andere Säfte, durchgepresst oder eingekocht; Obst- und Gemüskonserven, und dergl.

2. Mit Zucker oder Honig, als: Zuckerbäckereien, Lebkuchen, und andere Mehlspeisen; Obst und andere Vegetabilien, eingekocht oder durchgepresst, jedoch mit Zusatz von Zucker, und dergl. Hierher gehören auch: Caudis-, Gersten-, Bärenzucker, und andere gefärbte Zuckerwaaren, sowie Bonbons aller Art

(b.) Aus Fleisch, Speck, Fischen, Krebsen, Schnecken, Schalthieren, und anderen animalischen Stoffen, gekocht, gebraten, geröstet, marinirt oder in anderer Weise zubereitet, wie: Marinaden, Konserven, Extrakte, Braten, Fischrogen (Kaviar und Avgutar), Würste, Salami, &c.

(c.) Käse
 Rahm; Butter, ungesäzen und ungeschmolzen

6 00

12 00

25 00

25 00

15 00

15 00

18 in Kisten und
Fässern.
12 in Töpfen.
10 in Körben.
4 in Ballen und
Säcken.

Nummer des serbischen General- Tarifs vom 1. April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
21	Alkoholische und spirituose Getränke— (a.) Wein— 1. In Fässern.. .. . 2. In Flaschen (einschliesslich der Schaumweine) (b.) Gebrannte geistige Flüssigkeiten (Spiritus, Weingeist, Branntwein, Rum, Liköre)— 1. In Fässern— a. Spiritus und Weingeist β. Andere 2. In Flaschen (c.) Bier in Fässern und Flaschen <i>Anmerkung.</i> —Wenn der Importeur bei der Einfuhr von Bier in Flaschen erklärt, die Flaschen innerhalb einer Frist von drei Monaten wieder auszuführen, so wird von dem Zollamt, bei welchem die Einfuhr stattfand, die Zahl der Flaschen in der betreffenden Sendung vorgemerkt und im Falle der Wiederausfuhr einer gleichen oder geringeren Anzahl von Bierflaschen innerhalb der obigen Frist, der auf das Flaschengewicht entfallende Zoll sowie die Trosarins vom Bier zurückvergütet und ein Ausfuhrzoll nicht erhoben.	100 kilog. " 		

Gruppe VII.—*Steine, Erden, und Glas.*

23	(c.) Steinkohle und Braunkohle	..	..	..	..	Frei.	
25	Gemeine Steine oder Steinimitationen—						
	(a.)* Behauen, unpolirt, für Bau- und Pflasterungszwecke, auch künstliche Basaltsteine, und dergl.	..	..	..	..	..	0 30
	(b.) Mühlesteine, auch mit Metallreifen	..	..	..	..	..	2 00
	(c.) Steinmetzwaren und Cementmassenwaren (auch Waaren aus Gyps), wie Grabsteine, Monumente, Säulen (auch mit Inschriften); Thür- und Fensterstöcke, Rinnen, Röhren, Tröge, Stufen, u. s. w., und andere Arbeiten im Gewichte von wenigstens 5 kg., auch in Verbindung mit Holz oder anderen Metallen—						
	1. Unpolirt..	..	..	..	..	..	1 00
	2. Polirt ..	..	..	..	..	..	2 50
	<i>Anmerkung</i> —Zum Abschnitt (c) 1 oder 2 gehören auch ausnahmsweise Schleifsteine, Lithographiesteine, Kehlheimer- und Cementplatten, Dachschiefer, ohne Rücksicht auf das Gewicht.						
	(d.) Fertige Gegenstände unter 5 kg. Gewicht, mit Ausnahme der in der Anmerkung zu (c) ausnahmsweise angeführten, mit oder ohne Verbindung mit gewöhnlichen Materialien, soweit sie nicht unter die Nr. 61 (a) (Kurzwaren) fallen—						
	1. Unpolirt..	..	..	..	..	..	4 00
	2. Polirt ..	..	..	..	..	..	6 00
25	Thonwaren—						
	(a.) 1. Dach- und Manerziegel aller Art ..	..	..	..	..	1,000 Stück ..	3 00
	2 und aus (b). Gemeine Thonwaren mit oder ohne Glasur oder Beguss, gemeines Steinzeug, Thonröhren, Ofenkacheln, Fliesen; alle diese auch in Verbindung mit unpolirtem, unlackirtem Holz und ebensolchem Eisen ..	..	..	..	..	100 kilog. ..	2 00

* See Final Protocol, page 624.

(15 in Kisten und
Fässern.
9 in Körben.
3 in Ballen und
Säcken.)

Zusammen des serbischen General- Tarifs vom 1. April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
26	<p><i>aus (b).</i> Feine Fayence und Porzellan, einfarbig oder weiss, auch weiss mit farbigen Randstreifen und Verzierungen; irdene Pfeifen; alle diese auch mit Deckeln und Beschlägen aus unedlen Metallen</p> <p><i>Anmerkung.</i>—Hierher gehören auch die in dem vorhergehenden Absatz genannten Waaren, wenn sie mit solchen Deckeln oder Beschlägen versehen sind.</p> <p>Feine Fayence und Porzellan, mehrfarbig, gemalt, vergoldet, versilbert; Thonwaaren in Verbindung mit anderen gemeinen Materialien, soweit sie nicht zu den in den beiden vorhergehenden Abätzen (genannten Waaren gehören oder der Nr. 61 (a) Kurzwaaren) zugewiesen sind.</p>	100 kilog. ..	8 00	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">25 in Kisten und Fässern.</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">20 in Körben und Gestellen.</div> </div>
27	<p>Glas und Glaswaaren — (a.) Gemeines Glas, d. h. nicht geschliffen, nicht polirt, nicht geschnitten, nicht gemustert, nicht gepresst, nicht gefärbt, nicht vergoldet, nicht bemalt, und ohne Verbindung mit anderen Materialien —</p> <p>1. Fenster und Tafelglas</p> <p>2. a. Hohlglas in seiner natürlichen Farbe; rohe Glas- und Emailmasse, Gussplatten zu Dach- und Bodenbelag, gerippt oder nicht</p> <p>b. Hohlglas, weisses</p> <p><i>Anmerkung.</i>—Hierher gehören auch Lampencylinder, auch wenn die Ränder derselben bereits abgeschliffen sind.</p>	<p>..</p> <p>..</p> <p>..</p> <p>..</p>	<p>16 00</p> <p>2 00</p> <p>2 50</p> <p>3 50</p>	

(b.) Hohlglas der Nr. 27 (a) 2 mit abgeschliffenen oder eingeriebenen Stöpseln, Böden oder Rändern; gepresstes Glas und matirtes Glas ohne oder mit abgeschliffenen oder eingeriebenen Stöpseln, Böden oder Rändern...	..	6 00																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			</
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30 in Kisten und
Fässern.
20 in Körben und
Gestellen.

Eisen- oder Stahlblech und Eisen- oder Stahldraht ohne Unterschied							
Eggen und Pflügeisen							
(c) Schmiedeeisen oder Stahlwaaren—							
1.* Nägel, Drahtstifte, Nieten, Bolzen, Pföcke, Klammern, Hufeisen, und Eisendeckel für Kochtöpfe							
Srauben der Nr. 30 (c) 1							
2. Waaren aus Schmiedeeisen oder Stahl, weder abgefeilt noch angestrichen, blos in Verbindung mit Holz oder Gusseisen.							
<i>Anmerkung.</i> —Der Anstrich zum Schutze gegen Rost bleibt bei der Tarifrung dieser Gegenstände ausser Betracht.							
Srauben der Nr. 30 (c) 2							
Geräthe und Werkzeuge aus Eisen oder Stahl: Dung- und Heugabeln, Krampen, Hauen, Schaufeln, Rechen, Sensen, Sicheln, Futterklingen (Strohmesser), Eggen, Pflüge, Stössel, Meissel; ferner Hammer, Zangen, und Ambosse über 2·5 kg.: alle diese ohne Unterschied der Bearbeitung, auch mit Griffen, Heften, Stielen, und dergl., von Holz							
3. Waaren aus Schmiedeeisen oder Stahl, abgefeilt oder angestrichen (ausser zum Schutze gegen Rost); alle Schlosserwaaren (mit Ausnahme von Schlössern und Schlüsseln), Spengler- und andere Blechwaaren, Drahtwaaren: alle diese Waaren auch abgefeilt oder angestrichen, mit oder ohne Verbindung mit gemeinen Materialien							
<i>Anmerkung.</i> —Hierher gehören auch alle nicht besonders genannten Werkzeuge ohne Unterschied der Bearbeitung.							
Beile, Schaf- und Heckenscheeren							
Srauben der No. 30 (c) 3							
4. Waaren aus Schmiedeeisen oder Stahl, Draht oder Blech, verzinkt oder verzinkt (Weissblech oder Weissdrahtwaaren), auch in Verbindung mit anderen gemeinen Materialien							
Schlösser und Schlüssel							

* See Final Protocol, page 624.

10 in Kisten und
Fässern.
6 in Körben.
3 in Ballen, Säcken,
und Rahmen.

10 in Kisten und
Fässern.
6 in Körben.
3 in Ballen, Säcken,
und Rahmen.

Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
Alle polirten, lackirten, emailirten, und bronzierten Waaren (mit Ausnahme des emailirten Kochgeschirres), auch in Verbindung mit anderen gemeinen Materialien Emailirtes Kochgeschirr	100 kilog. .. " ..	Din. par. 25 00 18 00	{ 13 in Kisten und Fässern. 6 in Körben. 4 in Ballen, Säcken, und Rahmen.
(d.) Guaschewaren oder deren Imitationen— 1. Weder abgefeilt, angestrichen, emailirt, noch mit anderem Metall oder Metalllegirungen belegt, auch in Verbindung mit Holz oder mit geschmiedetem oder gewalztem Eisen .. <i>Anmerkung.</i> —Der Anstrich zum Schutze gegen Rost bleibt bei der Tarifrung dieser Gegenstände ausser Betracht.	..	3 50	
2. Abgefeilt, angestrichen (ausser zum Schutze gegen Rost), emailirt, bronziert, mit anderem gemeinen Metall oder einer Metalllegirung belegt, lackirt, auch in Verbindung mit gemeinen Materialien .. .. .	..	6 50	{ 10 in Kisten und Fässern. 6 in Körben. 8 in Ballen, Säcken, und Rahmen. 10 in Kisten und Fässern. 6 in Körben. 4 in Ballen, Säcken, und Rahmen.
3. Polirt .. .. .	..	25 00	

unter des
fachen
beral-
se vom
Hl, 1892.

80

(a.) Halbfabrikate in Blöcken, Mulden, Stäben, ferner Blech und Draht—

1. Aus Blei ..
2. Aus Zink..

(b.) Bleiwaaran—

1. Kugeln, Schrot, Blei für Fensterfassungen, Röhren und alle groben Waaren, d. i. im Einzelgewichte über 2.5 kg; ferner Buchdrucklettern
2. Alle anderen Waaren, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind

(c.) Zinkwaaren—

1. Grobe, d. i. im Einzelgewichte über 2·5 kg.
2. Alle anderen Waaren, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. (d) (Kurzwaaren) zugewiesen sind

Zinn und Britanniametall—

- (a.) Halbfabrikate in Blöcken, Mulden, Platten, Stäben, Blech, Draht, dann Abfälle und Bruchstücke alter Waren
(b.) Waren daraus, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. 61 (d) Kurzwaren (zugewiesen sind—

1. Waaren aus starkem Guss oder in grösseren Gegenständen .
2. Alle leichten und feinen Gusswaaren; Blech- oder Draht-
waaren aller Art

[illegible]

Nummer des serbischen General- Tarifs von 1 ^o April, 1892.	Benennung der Gegenstände.		Zollsat.	Taraabzüge in Prozenten des Bruttogewichts.
33	Kupfer— (a.) Halbfabrikate in Blöcken, Mulden, Platten, Stäben, Blech, Draht; dann Abfälle und Bruchstücke alter Waaren (b.) Waaren daraus, auch in Verbindung mit gemeinen Materialien, sofern sie nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind— 1. Ordinaire Gusswaaren: Glocken, Schellen, Mörser, Stössel, Leuchter, Plättchen, Kaffeemühlen, Lineale, Gewichte, Messstäbe, und dergleichen Längenmasse; Denkmäler, Grabkreuze, Geräthschaften, &c., aus starkem Guss oder in grösseren Gegenständen 2. Alle leichten und feinen Gusswaaren: Blech- oder Draht- waaren aller Art .. ..	.. 100 kilog.	Din. par. 15 00 22 00 35 00	10 in Kisten und Fässern. 6 in Körben. 2 in Ballen und Säcken. 13 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
34	Messing, auch Tombak und Bronze— (a.) Halbfabrikate, in Blöcken, Mulden, Platten, Stäben, Blech, Draht, dann Abfälle und Bruchstücke alter Waaren (b.) Waaren daraus, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind— 1. Ordinaire Gusswaaren: Glocken, Schellen, Kanonen, Mörser, Stössel, Leuchter, Plättchen, Kaffeemühlen, Lineale, Gewichte, Messstäbe, und dergleichen Längenmasse; Denkmäler, Grabkreuze, Geräthschaften, &c., aus starkem Guss oder in grösseren Gegenständen .. ..	.. .. ..	12 00 22 00	10 in Kisten und Fässern. 6 in Körben. 2 in Ballen und Säcken.

35	2. Alle leichten und feinen Gusswaaren; Blech- und Draht- waaren aller Art .. .. .	..	..	35 00	{ 13 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
	Nickel und Nickellegirungen (Neusilber, Packfong, Alpacca)— (a.) Halbfabrikate in Blöcken, Mulden, Platten, Stäben, Blech, Draht, dann Abfälle und Bruchstücke alter Waaren .. .. .	..	..	30 00	{ 10 in Kisten und Fässern. 6 in Körben. 2 in Ballen und Säcken.
	(b.) Waaren daraus, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind—	..	..	50 00	
	1. Waaren aus starkem Guss oder in grösseren Gegenständen .	..	..	75 00	
	2. Alle leichten und feinen Gusswaaren; Blech- oder Draht- waaren aller Art .. .. .	..	..	200 00	{ 13 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
36	<i>Anmerkung.</i> —Unter Waaren aus Nickel dieser Tarif- nummer werden die aus reinem Nickel oder aus Nickellegirungen hergestellten verstanden, während die bloß vernickelten Gegenstände ihrer sonstigen Beschaffenheit nach zu tarifiren sind. (b.) Waaren aus Chinasilber, das ist versilberte Waaren aus Nickel und Nickellegirungen und sonstige versilberte Waaren aus unedlen Me- tallen, auch in Verbindung mit gemeinen Materialien, insofern sie nicht der 61 (d) (Kurzwaaren) zugewiesen sind .. .. .	..	..
39	Gruppe IX.—Häute, Leder, Kautschuck, Guttapercha, und Wachstuch. (d.) Häute und Felle, gegerbte— 1. Sohlenleder, ferner Blankleder unlackirt und Leder aller Art für Opanken Abfallleder aller Art und daraus erzeugtes künstliches Sohlen- leder .. .. .	..	..	30 00	{ 14 in Kisten und Fässern. 10 in Körben. 6 in Ballen und Säcken.
		..	..	10 00	

Nummer des serbischen General- Tarifs vom 1. April, 1892.	Benennung der Gegenstände.		Zollsat.	Taraßzüge in Prozenten des Bruttogewichts.
33	Kupfer— (a.) Halbfabrikate in Blöcken, Mulden, Platten, Stäben, Blech, Draht; dann Abfälle und Bruchstücke alter Waaren (b.) Waaren daraus, auch in Verbindung mit gemeinen Materialien, sofern sie nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind— 1. Ordinaire Gusswaaren: Glocken, Schellen, Mörsel, Stössel, Leuchter, Platteisen, Kaffeemühlen, Lineale, Gewichte, Messstäbe, und dergleichen Längenmasse; Denkmäler, Grabkreuze, Geräthschaften, &c., aus starkem Guss oder in grösseren Gegenständen 2. Alle leichten und feinen Gusswaaren: Blech- oder Draht- waaren aller Art	100 kilog.	Din. par. 15 00 22 00 35 00	10 in Kisten und Fässern. 6 in Körben. 2 in Ballen und Säcken. 13 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
34	Messing, auch Tombak und Bronze— (a.) Halbfabrikate, in Blöcken, Mulden, Platten, Stäben, Blech, Draht, dann Abfälle und Bruchstücke alter Waaren (b.) Waaren daraus, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind— 1. Ordinaire Gusswaaren: Glocken, Schellen, Kanonen, Mörsel, Stössel, Leuchter, Platteisen, Kaffeemühlen, Lineale, Gewichte, Messstäbe, und dergleichen Längenmasse; Denkmäler, Grabkreuze, Geräthschaften, &c., aus starkem Guss oder in grösseren Gegenständen .. ..	.. .. ..	12 00 22 00	10 in Kisten und Fässern. 6 in Körben. 2 in Ballen und Säcken.

35	2. Alle leichten und feinen Gusswaaren; Blech- und Drahtwaaren aller Art	..	..	..	..	..	35 00	{ 13 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
36	Nickel und Nickellegirungen (Neusilber, Packfong, Alpacca)— (a.) Halbfabrikate in Blöcken, Mulden, Platten, Stäben, Blech, Draht, dann Abfälle und Bruchstücke alter Waaren (b.) Waaren daraus, auch in Verbindung mit gemeinen Materialien, sofern dieselben nicht der Nr. 61 (d) (Kurzwaaren) zugewiesen sind— 1. Waaren aus starkem Guss oder in grösseren Gegenständen. 2. Alle leichten und feinen Gusswaaren; Blech- oder Drahtwaaren aller Art	..	..	..	..	..	30 00	{ 10 in Kisten und Fässern. 6 in Körben. 2 in Ballen und Säcken.
36	Anmerkung.—Unter Waaren aus Nickel dieser Tarifnummer werden die aus reinem Nickel oder aus Nickellegirungen hergestellten verstanden, während die blos vernickelten Gegenstände ihrer sonstigen Beschaffenheit nach zu tarifiren sind. (b.) Waaren aus Chinasilber, das ist versilberte Waaren aus Nickel und Nickellegirungen und sonstige versilberte Waaren aus unedlen Metallen, auch in Verbindung mit gemeinen Materialien, insofern sie nicht der 61 (d) (Kurzwaaren) zugewiesen sind	..	..	..	..	..	20 00	{ 13 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
39	Gruppe IX.—Häute, Leder, Kautschuck, Guttapercha, und Wachstuch. (d.) Häute und Felle, gegerbte— 1. Sohlenleder, ferner Blankleder unlackirt und Leder aller Art für Opanken Abfallleder aller Art und daraus erzeugtes künstliches Sohlenleder	..	..	..	..	..	30 00	{ 14 in Kisten und Fässern. 10 in Körben. 6 in Ballen und Säcken.
39	..	..	..	..	..	..	10 00	{ 14 in Kisten und Fässern. 10 in Körben. 6 in Ballen und Säcken.

Nummer des serbischen General- Tarifs vom 1. April, 1892.	Benennung der Gegenstände.	100 kilog.	Zollsat.	Taraabzüge in Prozenten des Bruttogewichts.
39	<p>2. Ordinaire Leder, das ist alles naturfarbige Leder, ferner schwarze Leder (auch gewischt, genarbt, gezogen) vom Pferd, Rind und Kalb (mit Ausnahme der unter Nr. 39 (d) 1 genannten Leder)</p> <p>Alles andere Leder, auch lackirt und bronziert</p>	<p>..</p> <p>..</p>	<p>Din. par.</p> <p>45 00</p> <p>60 00</p>	<p>{ 14 in Kisten und Fässern. 10 in Körben. 6 in Ballen und Säcken.</p>
41	<p>(b.) Kautschuck und Guttapercha, verarbeitet—</p> <p>1. In Blättern oder dünnen Tafeln, Kautschuckfäden, ohne Verbindung mit anderen Materialien</p> <p>2. Gewebe mit Kautschuck oder Guttapercha getränkt oder überzogen, oder auch damit zusammengeklebt, desgleichen elastische Gewebe und Wirkwaren, sowie alle anderen Kautschuck- oder Guttaperchawaaren, auch in Verbindung mit anderen Materialien, mit Ausnahme von Kleidungsstücken und Schuhwaren</p> <p>Wachstuch—</p> <p>(a.) Gemeines, d. h. zum Bedecken von Waaren oder Fahrzeugen aus ordinarlem Gewebe, angestrichen oder getränkt mit Theer oder mit einem anderen gemeinen Material</p> <p><i>Anmerkung.</i>—Hierher gehören die wasserdichten Waaren- oder Wagendecken aus imprägnirter Leinwand, auch mit Ringen, Riemen, Schnallen, &c., adjustirt.</p> <p>(b.) Feines, d. h. für Tischdecken und für anderen Gebrauch, mit Ausnahme des unter Nr. 41 (a) genannten.. .. .</p>	<p>..</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p>	<p>65 00</p> <p>80 00</p> <p>15 00</p> <p>40 00</p>	<p>{ 16 in Kisten und Fässern. 13 in Körben. 6 in Ballen und Säcken.</p> <p>{ 13 in Kisten und Fässern. 9 in Körben. 6 in Ballen und Säcken.</p>

Gruppe X.— <i>Kolonialwaaren und Süßfrüchte.</i>									
aus 42	(a.) Kakao, gepulvert .. .. .	..	..	..	..	..	..	15 00	{ 15 in Kisten und Fässern.
aus 44	(b.) Kaffeesurrogate .. .. .	..	..	..	..	..	..	5 00	{ 15 in Kisten und Fässern.
	Chokolade und Chokoladesurrogate .. .. .	..	..	..	..	..	..	30 00	
41 .	(c.) Zucker—								
	1. Roh .. .. .	..	..	..	..	..	..	5 00	{ 13 in Kisten und Fässern.
	2. Raffinirt .. .. .	..	..	..	..	..	..	8 00	{ 9 in Körben.
	3. Farinzucker .. .. .	..	..	..	..	..	..	8 00	{ 2 in Ballen und Säcken.
	(d.) Melasse (ungeklärter Syrup) von Zucker, auch zur Fabrikation von Wichse oder Buchdruckerschwärze .. .. .	..	..	..	..	..	..	2 50	
	(e.) Reis .. .. .	..	..	..	..	..	..	5 00	
Gruppe XI.— <i>Arzneien, Chemikalien, und Farben.</i>									
46	Arzneien, Drogen, und Chemikalien—								
	(a.) Einfache—								
	1. Soda, kalzinirt .. .. .	..	..	..	..	..	..	2 00	{ 25 in Kisten und Fässern.
	Chinarinde .. .. .	..	..	..	..	..	..	16 00	{ 12 in Körben.
									{ 6 in Ballen und Säcken.
<p>Kräuter, Blätter, Blüten, Rinden (mit Ausnahme der China- rinde), Wurzeln, Samen, Körner, und andere Pflanzenstoffe, welche als Arzneimittel Verwendung finden, trocken, ganz oder gepulvert; Pflanzensäfte, als Arzneimittel gebraucht, wie Copaivabalsam, Manna, Theriak, Opium und Opiumpräparate, Kampher;</p>									

Nummer des serbischen General- Tarifs vom 2 April, 1892.	Benennung der Gegenstände.		Zollsat.	Taraabzüge in Prozenten des Bruttogewichts.
46	Säuren und Salze, flüssig, krystallisirt, in Stücken oder gepulvert, mit Ausnahme des gewöhnlichen Kochsalzes und der nicht anderweitig besonders benannten Säuren und Salze; Metallische oder mineralische Produkte für Arzneimittel, wie Queckkalber, Kalomel, Sublimat, Lapis, &c.; Thiere und animalische Bestandtheile für Arzneimittel, wie Kanthariden, Kastoreum, Moschus, Ambra, &c.	.. ..	45 00	{ 25 in Kisten und Fässern. 12 in Körben. 6 in Ballen und Säcken. 10 in Kisten und Fässern. 7 in Körben. 2 in Ballen und Säcken.
	aus 2. Salpeter, raffinirt .. ..	.. ..	.. ..	100 kilog. ..
	Bleizucker, Sulmiak, Weinstein .. ..	.. ..	.. ..	.. ..
	aus 3. Sulfetersäure .. ..	.. ..	2 00	.. ..
	Schwefelsäure .. ..	.. ..	1 00	.. ..
	Eisenvitriol .. ..	.. ..	1 00	.. ..
	aus 3. Kupfervitriol .. ..	.. ..	1 00	.. ..
	Bleiglatte .. ..	.. ..	4 00	.. ..
	Zink- und Bleiweiss .. ..	.. ..	7 00	{ 10 in Kisten und Fässern. 7 in Körben. 3 in Ballen und Säcken.
	aus 4. Salz- oder Chlorsäure .. ..	.. ..	1 00	.. ..
	Soda, roh oder krystallisirt .. ..	.. ..	2 00	.. ..
	Pottasche .. ..	.. ..	4 00	.. ..

aus 5. Hydraulischer Kalk, Cement, Gips Federweiss, gepulvert .. .. .	..	..	..	0 60
6. Gewöhnlicher Kalk, gelösch oder nicht .. .. .	..	..	..	0 50
7. Papiermasse, trocken oder nicht, auch Cellulose .. .. .	..	..	..	0 30
(b.) Arzneiwaren, Parfümerien, und Chemekalien—	Frei.	..	..	..
1. Chinin und Chinsalze .. .. .	..	100 kilog.	..	100 00
Zubereitete oder zusammengesetzte Arzneiwaren, Parfüms, und dergl.; Tinkturen, Syrupe, Liköre, Wein, und andere als Arzneimittel verwendete Getränke; Mundwasser, Köl- nisches Wasser, Extrakte, Essenzen, Balsame, Tropfen, Pillen, Pflaster, Salben, Opodeldoc, Papier oder Leinwand, mit medizinischen oder chemischen Präparaten, Schminke, &c., wohlriechende oder ätherische Oele, wohlriechende Wasser oder Essige, Pomaden, und andere Parfümerie- waren, mit Ausnahme der wohlriechenden Seife; ferner alle, wenn auch nicht zubereiteten Arzneimittel, chemische Produkte und Parfüms, wenn sie in Flaschen, Töpfen, Leder, Leinwand oder anderen Umschliessungen oder in besonderen Umhüllungen, verschnürt oder versiegelt sind, für den Detailhandel adjustirt .. .. .	..	..	..	100 00
aus 2. Siegelack .. .. .	..	..	..	20 00
Lackfirnisse .. .. .	..	..	..	30 00
aus 3. Kitte aller Art .. .. .	..	..	..	6 00
Zundhölzchen aller Art (auch in Schachteln), Stärke aller Art (auch in Schachteln), Stärkergummi, und Leim .. .. .	..	..	..	10 00
Tinte und Stiefelwische aller Art .. .. .	..	..	..	4 00
Dochte aller Art .. .. .	..	..	..	30 00
<div style="display: flex; justify-content: space-between;"> <div> <p>16 in Kisten und Fässern. 9 in Körben. 6 in Ballen und Säcken.</p> </div> <div> <p>12 in Kisten und Fässern. 8 in Körben. 4 in Ballen und Säcken.</p> </div> <div> <p>12 in Kisten und Fässern. 8 in Körben. 4 in Ballen und Säcken.</p> </div> </div>				

Nummer des erbiethen General- Tarifs vom 1. April, 1892.	Benennung des Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
47	<p>Farben— <i>aus (a.)</i> 6. Bremer- und Pariserblau, sowie alle anderen Farben zur Imitation von Indigo</p> <p>Berlinerblau und Waschblau (Ultramarin, &c.), in Stücken, in Pulver oder auf Papier</p> <p>(b.) Zubereitete—</p> <p>1. Gemeine, aus Erden und Mineralien gewonnene Farben in Stücken oder gepulvert: Ocker, Englischroth, Bolus, Mineralblau, Kupferbraun, Baryt, Kotherde, Umbra, Tripel (weiss und gelb), Wiener, Brescia-, Vicenza-, Bologneser-Erde, &c.; ferner Graphit, Knochen-, und Pflanzenkohle (Russchwarz), Russ, und weisse Kreide ohne Papierumhüllung</p> <p>2. Anilinfarben</p> <p>Alle anderen chemisch zubereiteten Farben, in Stücken, gepulvert oder flüssig, einschliesslich der bunten Zeichenkreide und Kreide in Papierumhüllung</p> <p>3. Putz- und Polirmittel (Wienerkalk, und dergl.) in Umschliessungen für den Detailverkauf</p>	<p>100 kilog. ..</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p> <p>..</p>	<p>Din. par.</p> <p>20 00</p> <p>10 00</p> <p>1 00</p> <p>60 00</p> <p>20 00</p> <p>10 00</p>	<p>{ 16 in Kisten und Fässern. 10 in Körben. 4 in Ballen.</p> <p>{ 20 in Kisten. 12 in Körben. 10 in Doppelfässern.</p>
48	<p>Nicht wohlriechende Oele—</p> <p>(a.) Oliven-, Samen-, und andere nicht besonders benannte vegetabilische Oele, auch flüssiger Terpentin und Firnisse</p>	<p>..</p>	<p>10 00</p>	<p>{ 20 in Kisten. 12 in Körben. 10 in Doppelfässern.</p>

Gruppe XII.—*Fett und Fettprodukte.*

49	(b.) Kokosuss- und Palmöl; dicker Terpentin Theer aller Art Fette und andere Fettstoffe— (a.) Butter, gesalzen oder ausgelassen, auch Kunstbutter aus (b.) Glycerin (d.) Wachs, Stearin, Paraffin, Palmitin, Ceresin, und dergl. .. .. .	.. .. .. .. .. ..	3 00 0 75 15 00 8 00 10 00	{ 13 in Fässern und Kübeln. 6 in Körben und Ballen. 12 in Kisten und Fässern. 13 in Kisten und Fässern. 8 in Körben. 3 in Ballen und Säcken.
50	Fettwaaren— (a.) Seife— 1. Nicht parfümirte 2. Parfümirte (b.) Wachs-, Stearin-, Paraffin-, Ceresin-, Palmitin-, und dergl. Kerzen.	.. .. .. ..	9 00 18 00 16 00	{ 15 in Kisten und Fässern. 8 in Körben. 3 in Ballen und Säcken.
51	Gruppe XIII.— <i>Maschinen, Instrumente, wissenschaftliche Gegenstände und Waffen.</i> Maschinen— Maschinen und Maschinentheile aus Metallen, Holz oder irgend einem anderen gemeinen Material für Industrie, Gewerbe, Landwirthschaft, Brauerien und Destillieren, Transport zu Wasser und zu Lande, Bäder und andere ähnliche Zwecke; auch Näh-, Strick-, und Stick- maschinen, Feuerspritzen, und dazu gehörige Requisiten Instrumente und Apparate— (a.) Astronomische, optische, mathematische, mechanische, medi- zinische, chirurgische, physikalische, und sonstige Instrumente zu verschiedenem wissenschaftlichen Gebrauch und für Labora- torien	Frei. ..	50 00	{ 20 in Kisten und Fässern. 12 in Körben. 6 in Ballen und Säcken.

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52	(b.) <i>Musikalische—</i> 1. Einfache, aus unpulirtem, unlackirtem Holz und ohne me- tallene Stimmhülsen, wie Flöten, Gaslas, Dudelsäcke, &c.. 2. Pianos, Pianinos, Harmoniums, Phisharmonikas, Kirchen- orgeln Drehorgeln 3. Alle anderen musikalischen Instrumente aus jedem Material, ferner die unter Nr. 52 (b) 1. genannten, wenn sie aus polirtem oder lackirtem Holz verfertigt und mit metallenen Stimmhülsen versehen sind Wissenschaftliche, literarische, und Kunstgegenstände, wie Bücher, Zeit- schriften, Landkarten, Erdgloben, Noten, und andere geschriebene Hefte; Zeichnungen, Malereien, Gemälde, Stiche, und Farbendruck- bilder, auf irgend welchem Material, und zwar uneingebunden oder nur geheftet, uneingeraht, unaufgezogen, &c.	100 kilog. per Stück 100 kilog. "	Din. par. 60 00 100 00 40 00 100 00	{ 20 in Kisten und Fässern. 12 in Körben. 6 in Ballen und Säcken. 23 in Kisten und Fässern. 9 in Ballen.
53		Frei.		{ 15 in Kisten und Fässern. 10 in Körben. 5 in Ballen und Säcken.
54	Handwaffen aller Art, wie Flinten, Pistolen, Revolver, Säbel, Degen, Yatagans, Handscharen, Rapiere, Bajonnette, &c.	100 kilog.	70 00	{ 15 in Kisten und Fässern. 10 in Körben. 5 in Ballen und Säcken.
56	Gruppe XV. — <i>Baumwolle, Hanf, Flachs, und andere vegetabilische Spinnstoffe.</i> (a.) <i>Baumwollabfälle</i> Baumwolle, roh oder hardtucht	"	5 00 9 00	6 in Ballen.

(b.) Baumwollgarne, einfach oder gewirnt, auch in Detailadjustierung—									
1. Roh oder gebleicht, nicht gefärbt, nicht in Verbindung mit anderen Materialien—									
a. Bis Nr. 30 englisch ..	..	..	..	..	..	18 00			
β. Über Nr. 30 englisch ..	..	..	..	..	..	27 00			
2. Gefärbt oder bedruckt—									
a. Bis Nr. 30 englisch ..	..	..	..	..	..	23 00			
β. Über Nr. 30 englisch ..	..	..	..	..	..	33 00			
<i>Anmerkung.</i> —Nähfaden, Nähzwirne in Detailadjustierung auf Spulen, Kärtchen, und dergl. fallen, je nach Beschaffenheit, unter Nr. 56 (b) 1 β oder 2 β.									
(c.) In Verbindung mit Fäden aus gemeinen Metallen					..	50 00			
Baumwollwaren—									
1. Barchent (Molleton) und andere ähnliche Stoffe, roh ..					..	25 00			
Alle anderen nicht besonders tarifirten Baumwollwaren, roh ..					..	30 00			
Baumwollwatte in Tafeln ..					..	9 00			
2. Barchent (Molleton) und andere ähnliche Stoffe (Kalmuck und dergl.), Zwilch und Drillich, Oxforde, Zephyre, und Gradl, Schöcki, d. i. farbig gewebte, karrirte Bettzeuge; Decken und Teppiche ohne Unterschied der Erzeugung; alle diese Waaren ohne Unterschied, gebleicht, gefärbt, buntgewebt oder bedruckt ..					..	25 00			20 in Kisten und Fässern. 12 in Körben. 5 in Bullen und Säcken.
3. Hosenzeuge, Rockstoffe, Piquets, und dergleichen Gewebe, alle diese ohne Unterschied gebleicht, gefärbt, buntgewebt oder bedruckt ..					..	35 00			
Tischzeuge und Tücher (Taschen-, Hals-, und Kopftücher), buntgewebt oder bedruckt ..					..	55 00			
Futterorgandine und Steifapprets ..					..	25 00			
Alle anderen dichten Gewebe aus Baumwolle, nicht bestickt (Sammt ausgenommen)—									
a. Gebleicht ..	..	..	..	..	..	50 00			
β. Gefärbt oder farbig gewebt..	..	..	..	..	..	60 00			
γ. Bedruckt ..	..	..	..	..	..	80 00			

Nummer des serbischen General- Tarif vom 1. April, 1892.	Benennung der Gegenstände.		Zollsa.	Taraßzüge in Prozenten des Bruttogewichts.
56	4. Feine und leichte Gewebe aus Baumwolle, wie Jaconet, Linon, Musselin, Tüll, zu vorhängen und anderem Gebrauch, Samtte, Gewebe mit eingewebten, Stickerei nachahmenden Mustern— α. Gebleicht β. Gefärbt oder farbig gewebt γ. Bedruckt	100 kilog. „ „	Din. par. 80 00 100 00 120 00	20 in Kisten und Fässern. 12 in Körben. 5 in Ballen und Säcken.
57	5. Gaze, Blonden, Maschinenspitzen, englischer Tüll, Bobbinet, Petinet (mit Ausnahme der Futterorgandine und der Stoff- apprete) Hanf, Flachs und andere vegetabilische Spinnstoffe mit Ausnahme der Baumwolle— (b.) Garne (mit Ausnahme der Seilerwaren), einfach oder gewirnt, auch in Detailadjustierung— 1. Roh, nicht gebleicht, nicht gefärbt, nicht in Verbindung mit anderen Materialien 2. Gebleicht, nicht gefärbt, nicht in Verbindung mit anderen Materialien.. .. Gefärbt, bedruckt oder in Verbindung mit anderen ge- meinen Materialien	„ „ „ „	160 00 „ 12 50 15 00 25 00	18 in Kisten und Fässern. 12 in Körben. 5 in Ballen und Säcken.

(c.) Gewebe aus Hanf, Flachs, und anderen vegetabilischen Spinnstoffen mit Ausnahme der Baumwolle—

1. Sack- und Packstoffe, grobe, sowie fertige Sacke daraus ..

Pflaimensäcke, schwere, im Gewichte von 1 kg. und mehr per Stück

Anmerkung.—Die zur Nr. 57 (c) 1 gehörigen Waaren, sowie die zur Nr. 57 (c) 2 gehörigen Sackzwilche und Sacke daraus können auch mit einzelnen farbigen Streifen versehen sein.

2. Sackzwilche und Sacke daraus

Gemeine Hausleinwand und andere ähnliche starke Leinwand aus Flachs oder Hanf (wie Flank, Numersch, Kalameika, und dergl.); Zwillich für Militärbekleidung, Segelleinen, und andere starke Leinewebe; alle diese auch gebleicht, jedoch nicht gefärbt.

3. Die unter Nr. 57 (c) 2 genannten Gewebe gefärbt, ferner Gradl, das ist gekörperte Leinwand für Bettzeug, Matratzen, Strohsäcke, Möbelüberzüge; Kannefuss und Schöckl (das ist gefärbte Futterleinwand und farbige karrierte Bettzüge); Decken und Teppiche aller Art ..

4. Drille zu Kleidungsstücken, gebleicht oder farbig gewebt. Andere dichte Gewebe, roh, gebleicht, gefärbt, farbig gewebt, bedruckt, nicht bestickt

5. Feine und leichte Gewebe, wie Linon, Batist, Tüll, zu Vorhängen und anderem Gebrauch, auch mit eingewebten, Stickerei nachahmenden Mustern

Anmerkung.—In Nr. 57 (c) 5 gehören alle Gewebe, welche eine geringe Beimischung von Seide als Aufputz haben, ebenso wie alle Gewebe in Verbindung mit anderen gemeinen, nicht textilen Materialien.

18 in Kisten und Fässern.	7 50	..	..
12 in Körben.			
5 in Ballen und Säcken.	4 50	..	..
	50	..	..
18 in Kisten und Fässern.	15 00	..	..
12 in Körben.			
5 in Ballen und Säcken.	30 00	..	..
	30 00	..	..
	65 00	..	..
	150 00	..	..

Nummer des vererblichen General- Tarifs vom 1. April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
57	6. Undichte Gewebe, wie Maschinenspitzen, englischer Tüll, Bobbinet oder Petinet, Schleier, &c.	100 kilog.	Din. par. 300 00	{ 18 in Kisten und 12 in Körben. 5 in Ballen und Säcken.
	(d.) Seilwaaren— 1. Seile, Tause, und Stricke (auch Pferdehalter, Stränge, und dergl.).. ..	"	10 00	{ 15 in Kisten und Fässern. 10 in Körben. 3 in Ballen und Säcken.
	2. Andere (Spagat, Schläuche, Gurten, Eimer, Netze, Feuerlösch- und Turnrequisiten, und dergl.), auch in Verbindung mit anderen gemeinen Materialien ..	"	20 00	
58	Gruppe XVI.—Seide. (b.) Seidengarne aller Art, auch in Verbindung mit gemeinen Materialien. (c.) Gewebe— 1. Halbseide, d. i. Waaren aus Seide oder Floretseide gemischt mit Baumwolle, Leinen, Wolle, oder anderen Thierhaaren, sofern dieselben nicht unter die Gruppe der Wollen-, Baum- wollen-, Hanf-, Flachs-, &c., Gewebe gehören, mit Ausnahme der in Nr. 53 (c) 2 benannten Gegenstände	"	200 00	{ 20 in Kisten und Fässern. 16 in Körben. 8 in Ballen und Säcken.
	2. Ganzseide (auch mit Aufputz von irgend einem anderen Material) mit Ausnahme der Bänder	"	250 00	
	Ganzseidene Bänder	"	350 00	
	Halbseidene Samtte	"	500 00	
	Halbseidene Bänder, auch aus Sammt	"	300 00	
		"	200 00	

Nummer des tarifarischen merals. 1. April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
			Din. par.	
60	Leonischer Draht, leonische Gespinnste, Platte, Flitter, Lahn, Kraus, Bouillons, Blattmetall, Rauschgold, und Rauschsilber — (a.) Aus unedlen Metallen Anmerkung. — Hierher gehört auch Bronzepulver. (b.) Aus echt versilberten oder vergoldeten Metallen (c.) Aus edlen Metallen	1 kilog. " "	0 75 2 00 10 00	
61	Kurzwaaren — (a.) Aus gemeinen Steinen, Glas, Porzellan, Steingut, Thon, Lava, Mosaik, und Gips, Wachs, Stearin, Paraffin, Ceresin, und anderen dergl. Kompositionen, ohne Unterschied der Bearbeitung, in oder ohne Verbindung mit gemeinen Materialien Als Kurzwaaren dieser Nummer sind nur zu tarifiern: Künstliche Erfrüchte aus Wachs und ähnlichen Kompositionen; Statuetten, Figürchen, und ähnliche kleine Nippetsgegenstände, ferner Tabackpfeifen (mit Ausnahme der irdenen Pfeifen), Vorhänge- rosetten; Lithophanien, Zifferblätter, optische Linsen, Gläser für Taschenruhren, künstliche Glasaugen, Ausnahmsweise gehören hierher auch Briefbeschwerer, Leuchter, Tintenfässer, und dergl. plastische Arbeiten aus Alabaster und Marmor im Einzelgewichte unter 5 kg. (b.) 1. Kurzwaaren aus Papier, Pappendeckel, Pappmasse oder Papier- maché, ohne Unterschied der Bearbeitung, in oder ohne Verbindung mit anderen gemeinen Materialien Als Kurzwaaren dieser Nummer sind nur zu tarifiern: Albums, Notizbücher (ausgenommen die in Papier, Wachseleinwand oder Buchbinderleinwand gebundenen), Papierwischer, Fächer, Lächerollen, Siegelblättchen, Skizzenbücher, Mappen,	" " " "	0 30	20 in Kisten und Fässern. 12 in Körben. 6 in Ballen und Säcken.
		"	0 65	

Etus, Futterale; ferner Tabackdosen, Perspektive in Fassungen aus Papier, Rahmen, Handspiegel, Knöpfe, Cigarrenspitzen, Tombolaspiele und Nähkissen, Figürchen und ähnliche kleine Nippetischgegenstände.

2. Luxuspapeterie auch in Verbindung mit anderen gemeinen Materialien...

Als Luxuspapeterie sind nur zu tarifiren: Kotillonorden und dergl. Karnevalsartikel, Papierlampions, Abziehbilder, Gratulationskarten, Menükarten, Bonbonnières, und dergl., mit farbigen Bildern, Malereien, Spitzenpapier, &c., ausgestattet; dieselben können ausnahmsweise auch theilweise mit Seide ausgestattet sein.

(c.) 1. Kurzwaaren aus Holz, Flechtarbeit, und anderen gemeinen Pflanzenstoffen (mit Ausnahme der unter 2 dieser Tarifnummer besonders benannten), ohne Unterschied der Bearbeitung, in oder ohne Verbindung mit anderen gemeinen Materialien...

Als Kurzwaaren dieser Nummer sind nur zu tarifiren: Weberkämme, Weberzähne, Weberräder, Weberschiffe; Federspiele; Dosen; Nähkissen, Handspiegel, Photographierahmen, Malerpaletten; Blei- und Farbstifte in Holzfassung; Billardkegel und Billardqueues; Fächer; Lineale, Zoll-, Visir-, und Massstäbe, kleine, für den Büreaugebrauch und zum Zeichnen; Knöpfe (mit Ausnahme der Schmuckknöpfe, welche nicht zum Annähren geeignet sind); Buchdruckereiverrungen; Falzbeine; Messerschieden (Kamien); Nadelbüchsen; Geigen sättel; Bürsten und Pinsel mit Holz montirt; Kreuzchen, Figürchen, und ähnliche kleine Nippetischgegenstände; Tombola-, Schach-, und Dominospiele (auch mit Bein belegt); Pfeifen, Pfeifenrohre, Cigarren- und Cigarettenspitzen; Spazierstöcke, Regenschirmgestelle; Peitschen und Reitgerten; Löffel und Gabeln für den feineren Tafelgebrauch; Korblechterwaaren mit Webe- und Wirkwaaren montirt, zum Luxusgebrauch (Arbeitskörbchen, Bouquethalter, Bonbonnières und ähnliche kleine Nippetischgegenstände).

	..	1 50	20 in Kisten und Fässern. 12 in Körben. 6 in Ballen und Säcken.
"	..	0 60	

nummer des russischen General- tarifs vom 1. April, 1892.	Benennung der Gegenstände.		Zollsatz.	Taraabzüge in Prozenten des Bruttogewichts.
61	<p>2. Die unter 1 genannten Kurzwaren aus Holz mit fein eingelegter (intarsierter oder Boule-) Arbeit</p> <p>(d.) 1. Kurzwaren aus Eisen, Stahl, Kupfer, Messing, Tombak, Bronze, Blei, Zinn, Britanniametall, Zink, und Legierungen daraus, ohne Rücksicht auf die Bearbeitung, in oder ohne Verbindung mit anderen gemeinen Materialien —</p> <p>a. Messerschmiedwaren und Essbestecke (Messer und Gabeln) auch mit Griffen aus diesen Metallen oder aus Holz, Porzellan, Glas, Bein, Horn, Elfenbein, und Schildpattimitationen; Metallknöpfe (mit Ausnahme der Schmuckknöpfe, welche nicht zum Annähern geeignet sind); Näh-, Strick-, Stick-, und Haarnadeln (mit Ausnahme der Schmucknadeln) auch vergoldet oder versilbert; Schnurstifte, Oesen, Ringe, Haffeln, und Schnallen</p> <p>β. Andere</p> <p>Alle Kurzwaren der Position β sind nur zu tarifiren:</p> <p>Kleine Glocken für Tisch- und Büreaugebrauch; Taschen- und Reiseschreibzeuge; Schreibfedern, Stahlperlen, Uhrenschlüssel, Fischangeln, Schlüsselhaken und -Kettchen, Fingerhüte; Sporen, Maulkörbe, und Halsbänder für Hunde; Uhrenpendel, Zifferblätter für Taschen- und Wanduhren; Spielmarken; Messerscheiden (Kantien); Cigarren- und Cigarrettenspitzen; Pfeifen; Taschenlaternen; Etuis (Futterale); Pulverhörner; Planchettes, fertige, mit Oesen und Knöpfen; Nadel- und Schreibfederbüch-</p>	<p>1 kilog. ..</p> <p>.. ..</p> <p>.. ..</p>	<p>Din. par.</p> <p>1 00</p> <p>0 35</p> <p>0 45</p>	<p>20 in Kisten und Fässern. 12 in Körben. 6 in Ballen und Säcken.</p>

sehen, Tabackdosen, Taschenfeuerzeuge; Petschafte, Lineale, kleinere für Bureaus und zum Zeichnen, Schreibtschamituren, Figürchen, und ähnliche kleine Nippetsgegenstände.	..	1 20		
2. Kurzwaren aus Alpacca, Packfong und Nickel, ohne Rücksicht auf die Bearbeitung, in oder ohne Verbindung mit anderen gemeinen Materialien	..	..
Als Kurzwaren dieser Nummer sind nur zu tarifiren: Messer und Gabeln mit Griffen aus Alpacca, Packfong und Nickel, ferner die unter 1 genannten Gegenstände, wenn sie aus Alpacca, Packfong und Nickel hergestellt sind.	..	..
<i>Anmerkung.</i> —Unter Waaren aus Nickel werden die aus reinem Nickel oder aus Nickellegirungen hergestellten verstanden, während die blos vernickelten Gegenstände ihrer sonstigen Beschaffenheit nach zu tarifiren sind.	..	..
3. Kurzwaren der Nr. 61 (d) 1, wenn sie echt versilbert oder vergoldet sind	..	2 00	20 in Kisten und Fässern.	
<i>Anmerkung.</i> —Derlei Gegenstände, nur theilweise echt vergoldet oder versilbert, fallen unter Nr. 61 (d) 1.	..	..	12 in Körben.	
4. Kurzwaren der Nr. 61 (d) 2, wenn sie echt versilbert oder vergoldet sind	..	2 50	6 in Ballen und Säcken.	
<i>Anmerkung.</i> —Derlei Gegenstände, nur theilweise echt vergoldet oder versilbert, fallen unter Nr. 61 (d) 2.	..	..
(e.) Kurzwaren aus Bein, Horn, Kautschuck, Guttapercha, Hartgummi, Celluloid, und dergl. Kompositionen, ohne Rücksicht auf die Bearbeitung, in oder ohne Verbindung mit anderen gemeinen Materialien—	..	..
1. Knöpfe (mit Ausnahme der Schmuckknöpfe, welche nicht zum Annähen geeignet sind)	..	0 60		
2. Andere .. .. .	..	1 00		
Als Kurzwaren dieser Nummer sind nur zu tarifiren: Knöpfe (mit Ausnahme der Schmuckknöpfe, welche nicht zum Annähen geeignet sind); Bürstenbinderwaren, welche mit den oben genannten Stoffen montirt sind; Kämme; Pfeifenmundstücke, Cigarren- und	..	..

Tarabzüge in Prozent des Bruttogewichts.	Zollsatz.	Benennung der Gegenstände.
Din. par.	Din. par.	<p>Cigarettenstutzen; Billardkugeln, Schach- und Domino- spiele, Billardkegel; Tabackdosen, Büchsen, Fingerringe, und ähnliche kleine Nippelsachen; Fächer, Pfeifen, und Reigenen mit Griffen aus diesen Mate- rialien; Lederkoffer, Pulverhörner, Zolstab, Zahn- stocher, Nadeln, Pedastalle; Planchetten, fertige mit Glas und Kupfer; Schreibmaschinen, Spazier- stöcke aus den oben genannten Materialien allein, sowie Stückwerk aus denselben; Gabeln; Mundstücke für Kampfbüchsen. Hierher gehören die genannten Artikel aus den oben angeführten Stoffen, auch wenn dieselben Elfenbein, Schellpott, &c., enthalten.</p> <p>(f) Kurzwaren aus Leder oder behaarten Fellen, ohne Rücksicht auf die Bearbeitung, in oder ohne Verbindung mit anderen gemeinen Materialien</p> <p>Als Kurzwaren dieser Nummer sind nur zu tarifieren: Leder- gelenkwaren (Fingerringe und Cigarettenstutzen, Portemon- naies, Brieftaschen, Mappen, Portefeuilles); Fächer; Leder- wäcker; Kassetten oder Etuis aus Leder überzogen; Damen- gürtel; dieselben können auch mit Beschlägen aus unedlen, ver- goldeten oder versilberten Metallen oder mit Futter und dergl. Zuthaten von Gold versehen sein.</p> <p>Anmerkung. Die in den vorstehenden Positionen a—(f) nicht besonders aufgeführten Gegenstände sind nicht als Kurz- waren, sondern als Waren jener Tarifgruppen zu be- handeln, welchen sie nach dem Material ihres Haupt- bestandtheils angehören.</p>

(g.) Kurzwaren aus Webe- und Wirkwaren, in Verbindung mit gemeinen Materialien, ohne Rücksicht auf die Bearbeitung, soweit dieselben nicht zur Gruppe XVIII gehören und nicht speziell tarift sind—	1. Aus Seide oder Halbseide oder aus Gold- oder Silberfäden gewirkt	.. .. .	2 40		
	2. Andere .. .. .	.. .. .	0 80		
Als Kurzwaren dieser Nummer sind nur zu tarifiern: Fächer, Reich- und Tiolettepöster, Schmucketuis, Portemonais, Tabackbeutel.					
(h.) Augengläser, Brillen, Operngucker, Loupen, Stecher, Zwicker—	1. Mit Fassung aus gemeinen Metallen oder anderen gemeinen Materialien .. .. .	.. .. .	3 00	20 in Kisten und Flasern.	
	2. Mit Fassung aus Silber, echt versilberten oder vergoldeten Metallen, Aluminium, Elfenbein, Schildpatt, Perlmutter .. .. .	.. .. .	8 00	12 in Körben.	
(i.) Kinderspielzeug aller Art	3. Mit Fassung aus Gold und Platina .. .. .	.. .. .	20 00	6 in Ballen und Säcken.	
	(j.) Pendel-, Schwarzwalder, und andere Wanduhren aller Art, ferner Uhren nach amerikanischem System .. .. .	.. .. .	0 35		
(k.) Waaren aus Perlmutter, Bernstein, Bernsteinmasse, Schildpatt, Elfenbein, Meerschchaum, und dessen Imitationen, in oder ohne Verbindung mit anderen Materialien—	1. Perlemutterknöpfe (mit Ausnahme der Schmuckknöpfe, welche nicht zum Annähen geeignet sind .. .. .	.. .. .	0 50		
	2. Andere .. .. .	.. .. .	1 50		
Hierher gehören insbesondere Billardballen, Billardkegel; Messer und Gabeln mit Griffen aus diesen Materialien; Fächer; Raucherartikel; Bürsten und Kämmen aus diesen Materialien oder damit montirt; Schachfiguren, Dominospiele, Spielmarken, Figürchen, und ähnliche kleine Nippeltischgegenstände, Nadelbüchsen, Portemonnaies, Schmucketuis, Zahnstocher, Schnallen, Spazierstöcke, aus den oben genannten Materialien allein, sowie Stockgriffe aus denselben.					
Anmerkung.—Bei Rauchartikeln, welche mit Bernstein oder Bernsteinimitation verbunden sind, werden die Theile					

Nummer des tararischen General- tarifs vom Jr. 1892.	Benennung der Gegenstände.		Zollsatz.	Tararabzüge in Prozenten des Bruttogewichts.
61			Din. par.	
	aus Bernstein (auch Bernsteinimitation) separat nach Nr. 61 (k) 2 verzollt. Die anderen Bestandtheile werden nach Beschaffenheit des Materials, aus welchem sie bestehen, behandelt.			
	(L) Alle vorstehend benannten Kurzwaaren aus gemeinen Materialien in Verbindung mit feinen Materialien oder mit Gold oder Platina	1 kilog.	2 00	
	(m) Waaren aus Silber und Aluminium, auch echt vergoldet oder in Verbindung mit anderen Materialien oder mit Gold oder Platina.	"	10 00	
	(n) Waaren aus Korallen, Achat, Carnool, und anderen Halbedelsteinen, in oder ohne Verbindung mit anderen Materialien oder mit Gold oder Platina	"	15 00	
62	(o) Waaren aus Gold, Platina, Edelsteinen, und echten Perlen.. ..	"	25 00	
	Gruppe XVII* — Nährewaren, Stickereien, und Wirkwaren.			
	aus (a), (b), und (c). Kleidungen und andere Konfektionen (mit Einschluss der Wasche) werden nach dem an der Aussenseite der Menge nach vorherrschenden Grundstoff mit einem Zuschlage von 50 Prozent vom vertragensmäßigen Zollsatz für den Grundstoff verzollt.			20 in Kisten und Fässern.
	aus (a). Ordinaire Bauernhüte aus Filz	100 kilog.	55 00	12 in Körben.
	Alle anderen Gegenstände der Nr. 62 (a)	"	40 00	6 in Ballen und Säcken.
	aus (b). Band-, Wirk- und Strumpf-, Posamentier- und Knopfwaren —			
	Aus Woll	"	120 00	
	Aus Baumwolle	"	80 00	
	Aus Leinen	"	80 00	

Anmerkung.—Einfache Nähte und Säume bei den hierher gehörigen Waaren bleiben bei der Tarifrung ausser Betracht.

Stickereien —

Auf Baumwolle, Wolle oder Leinen 300 00
 Spitzen, handgeklöppelte... .. . 150 00
 Regen- und Sonnenschirme mit anderem Ueberzuge als aus
 Seide 0 30

Anmerkung.—Die hierher gehörigen Schirme können auch mit seidenen Bordüren versehen sein.

Hüte, ungarirt für Herren oder Damen, ohne Unterschied des Materials, mit Ausnahme von Seidenhüten 160 00
 Herrenhüte, fertig ausgerüstet, ohne Unterschied des Materials und des Aufputzes, mit Ausnahme von Seidenhüten (Cy-
 linder) 230 00

Damenhüte, fertig ausgerüstet, ohne Unterschied des Materials und des Aufputzes, mit Ausnahme der unter Nr. 62 (c) 1
 tarifrten 280 00

Anmerkung.—Hüte, welche ihrer Form und Ausstattung nach sowohl von Herren wie von Damen getragen werden können, sind wie Herrenhüte zu verzollen.

Chirurgische Bandagen, mit Ausnahme derjenigen aus Seide und Leder 80 00

Fox, mit oder ohne Quasten, auch aus Seide 90 00

Unechte Gold- oder Silber-Posamenterie, -Borden, -Tressen, -Schnüre, -Besatzartikel 150 00

Alle anderen Gegenstände der Nr. 62 (b) 1-9 100 00
Anmerkung.—Hierher gehören: Satteldecken aus Wolle, Polster (Kissen) und Bettdecken, abgenäht, aus Wolle, Baumwolle, und Leinen, Säbelfutterale aus Leder oder anderen gemeinen Stoffen, Hosenträger aus Wolle, Baumwolle oder Leinen, auch aus Gummi; Lederhandschuhe, gefüttert; Hut- und Mützenschilde aus Leder; Darm-

* See Final Protocol, page 624.

20 in Kisten und
 Fasern.
 12 in Körben.
 6 in Ballen und
 Säcken.

ANLAGE (C).

Stelle bei der Einfuhr in das deutsche Zollgebiet.

Name des aus- fuhrigen Gegenstandes, insoweit derselbe nicht durch die Zolltarife bestimmt ist	Beschreibung der Gegenstände.	Zolltarif
		M. pf.
	1. Zucker	3 50
	2. Cognac	3 50
	3. Wein	2 90
	4. Obst	1 00
	5. Getreide	1 00
	6. Fleisch	2 00
	7. Fische	2 00
	8. Butter	2 00
	9. Käse	2 00
	10. Eier	2 00
	11. Honig	2 00
	12. Wachs	2 00
	13. Seife	2 00
	14. Parfüm	2 00
	15. Kosmetik	2 00
	16. Spielzeug	2 00
	17. Kunstwerke	2 00
	18. Bücher	2 00
	19. Musikinstrumente	2 00
	20. Waffen	2 00
	21. Kleidung	2 00
	22. Schuhe	2 00
	23. Hüte	2 00
	24. Handschuhe	2 00
	25. Strümpfe	2 00
	26. Unterwäsche	2 00
	27. Bettwäsche	2 00
	28. Tischwäsche	2 00
	29. Handtücher	2 00
	30. Laken	2 00
	31. Decken	2 00
	32. Vorhänge	2 00
	33. Teppiche	2 00
	34. Polstermöbel	2 00
	35. Stühle	2 00
	36. Tische	2 00
	37. Kamine	2 00
	38. Öfen	2 00
	39. Lampen	2 00
	40. Uhren	2 00
	41. Schmuck	2 00
	42. Juwelen	2 00
	43. Gold	2 00
	44. Silber	2 00
	45. Kupfer	2 00
	46. Eisen	2 00
	47. Stahl	2 00
	48. Blei	2 00
	49. Zinn	2 00
	50. Glas	2 00
	51. Porzellan	2 00
	52. Fayence	2 00
	53. Stein	2 00
	54. Holz	2 00
	55. Leder	2 00
	56. Wolle	2 00
	57. Baumwolle	2 00
	58. Seide	2 00
	59. Felle	2 00
	60. Knochen	2 00
	61. Horn	2 00
	62. Elfenbein	2 00
	63. Bernstein	2 00
	64. Edelsteine	2 00
	65. Perlen	2 00
	66. Muscheln	2 00
	67. Schnecken	2 00
	68. Insekten	2 00
	69. Pflanzen	2 00
	70. Mineralien	2 00
	71. Erze	2 00
	72. Steine	2 00
	73. Sand	2 00
	74. Kies	2 00
	75. Geröll	2 00
	76. Schutt	2 00
	77. Asche	2 00
	78. Schlacke	2 00
	79. Kalk	2 00
	80. Gips	2 00
	81. Zement	2 00
	82. Mörtel	2 00
	83. Beton	2 00
	84. Asphalt	2 00
	85. Bitumen	2 00
	86. Harz	2 00
	87. Terpentin	2 00
	88. Öle	2 00
	89. Fette	2 00
	90. Wachs	2 00
	91. Paraffin	2 00
	92. Petroleum	2 00
	93. Gas	2 00
	94. Elektrizität	2 00
	95. Wärme	2 00
	96. Licht	2 00
	97. Schall	2 00
	98. Geruch	2 00
	99. Geschmack	2 00
	100. Berührung	2 00

schaften jedes anderen Staates. Bei der Feststellung der Bedingungen für die Anerkennung und Zulassung der Gesellschaften in Serbien wird die Königlich serbische Regierung auf die Wünsche so viel als möglich Bedacht nehmen, welche ihr im Interesse der in Serbien Geschäfte betreibenden deutschen Gesellschaften empfohlen werden.

Bis zur Regelung dieser Materie verbleibt es bei der Bestimmung im Punkt 2 zu Artikel II des Schlussprotokolls zum Handelsvertrage vom 6 Januar, 1883.*

3. Unter dem Ausdrucke "Geschäftsniederlagen" im Artikel II werden öffentliche Lagerhäuser nicht verstanden.

Zu Artikel VI.—Von Ein- und Ausfuhrzöllen sind gegenseitig befreit:

(a.) Effecten der Reisenden, Schiffer, Fuhrleute und Handwerker, als: Wäsche, Kleidungsstücke, Reisegeräth, Werkzeuge und Instrumente für deren eigenen Gebrauch;

(b.) Musterkarten und Muster in Abschnitten oder Proben, welche nur zum Gebrauch als solche geeignet sind.

In Serbien werden bei der Verzollung die nachstehenden Normen beobachtet werden:

1. Unwesentliche Nebenbestandtheile, welche blos zur Befestigung und Verbindung der einzelnen Bestandtheile von Waaren dienen, z. B. Nägel, Nieten, Schrauben, Hafteln, Schliessen, Klammern, Haken, Reife, Beschlüge, Gewinde, Riegel, Schlösser (mit Schlüsseln), Bänder, Fäden, Schnüre, Riemen, Stricke, dann unwesentliche Verzierungen, innere Ausfütterungen oder Bodenbeläge sind bei der zollamtlichen Behandlung unbeachtet zu lassen, daher die bezüglichen Waaren, ungeachtet des Vorhandenseins dieser Nebendinge, als Waaren jener Tarifpost zu erklären und zu verzollen sind, welcher sie nach ihren anderen Bestandtheilen angehören.

2. Unter gemeinen oder gewöhnlichen Materialien im Sinne des Tarifes (B) werden alle Materialien verstanden, mit Ausnahme der folgenden: Edle Metalle, echt vergoldete und echt versilberte unedle Metalle, Edel- und Halbedelsteine, echte Perlen, echte Korallen, echtes Schildpatt, echtes Elfenbein, echtes Perlmutter, Meerscham, Bernstein und Bernsteinimitationen mit Ausnahme jener aus Glas, Seidenwaaren.

3. Einfache Nähte und Säume bei Decken, Teppichen, Vorhängen, Tüchern und anderen abgepassten Waaren bleiben bei der Tarifrung von Geweben und anderen Zeugstoffen ausser Betracht.

4. Etuis und andere innere Umschliessungen, soweit dieselben nicht nach den Bestimmungen über die Tara zollfrei zu behandeln

* Vol. LXXIV, page 348.

sind, werden getrennt je nach ihrer sonstigen Beschaffenheit behandelt.

5. *Ad Tarif-Nr. 9 (a) 2.*—Die ihrer Qualität nach den einvernehmlich festgestellten Mustertypen entsprechenden groben Tuche werden ohne Rücksicht auf deren in Serbien übliche Handelsbenennung zum Zollsätze von 25 Dinars der Tarif-Nr. 9 (a) 2 verzollt werden.

6. *Ad Tarif-Nr. 25 (a).*—Unter künstlichen Basaltsteinen sind die aus gemeinem Steinzeug hergestellten Pflasterplatten (Klinker) inbegriffen.

7. *Ad. Tarif-Nr. 30 (c) 1.*—Zum Zollsätze von 4.50 Dinars gehören alle Nägel ohne Unterschied der Herstellung (ob mit der Hand oder Maschine), der Bearbeitung (schwarz, blank, blau angelaufen, &c.) und der Verwendung; es fallen daher insbesondere auch Hufnägel unter diesen Zollsatz.

8. *Zu Gruppe XVII.*—Unter den in dieser Gruppe besonders benannten Waaren aus Bernsteinimitation sind solche aus Glas nicht begriffen.

9. *Zu Gruppe XVIII.*—Im Sinne der vereinbarten Tarifrung für Konfektionen werden Futter, Knöpfe, Posamente, Bänder, Besätze, Verbrämungen, gestickte Theile, Garnituren, &c., ausser Betracht bleiben und wird die Verzollung immer nach dem auf der Schauseite der Menge nach überwiegenden Grundstoffe erfolgen.

Unter den in dieser Gruppe des Vertragtarifes angeführten übrigen Waaren der Nr. 62 (a), (b) 1 bis 9 und Nr. 64 (b) sind diejenigen Artikel begriffen, welche in dem gegenwärtigen Vertragstarife nicht anderweitig tarifirt und in dem gegenwärtigen Umfange der zitierten Positionen des allgemeinen serbischen Tarifes begriffen sind.

10. Es ist der Partei gestattet, die zur Einfuhr deklarirten, noch nicht in den freien Verkehr übergegangenen Waaren auch nach erfolgter Besichtigung in das Ausland zurückzusenden, ohne den Zoll oder irgend eine Verbrauchsabgabe zu bezahlen, vorausgesetzt jedoch, dass sie sich keine zum Zollstrafverfahren berechtigende Unregelmässigkeit in ihrer Deklaration zu Schulden kommen liess. In letzterem Falle wird in Bezug auf die eingeführte Waare nach den Bestimmungen der Gefällsgesetze weiter verfahren werden, und tritt die Berechtigung zur Wiederausfuhr wieder in Kraft, wenn das Zollstrafverfahren die Richtigkeit der Deklaration erwiesen hat.

In jedem Falle aber sind die nach Massgabe des Artikels IX schuldigen Nebengebühren von der Partei zu entrichten.

11. Dem Importeur steht das Recht zu, die Ermittlung des Reingewichtes durch wirkliche Nettoabwaage zu verlangen, in welchem Falle an Stelle der im Tarife normirten Tara das Ergebniss der Nettoabwaage der Abgabenerhebung zur Grundlage zu dienen hat.

12. Die Ausfuhrzölle können in beliebiger, aber nur für alle Verkehrsrichtungen gleicher Höhe eingehoben werden.

Zu Artikel VI und VII.—Die Königlich serbische Regierung wird keinenfalls für das aus dem freien Verkehr Serbiens nach Deutschland eingehende, aus einem in Deutschland nicht meistbegünstigten Lande stammende Getreide, sowie für dergleichen Weine die deutschen Vertragszölle beanspruchen.

Die Bestimmungen der Artikel VI und VII haben keine Anwendung zu finden:

(a.) Auf die Begünstigungen, welche anderen unmittelbar angrenzenden Staaten zur Erleichterung des kleinen Grenzverkehrs, das heisst für eine zehn Kilometer Breite nicht übersteigende Grenzzone, gewährt werden;

(b.) Auf die einem der beiden vertragschliessenden Theile durch die Bestimmungen einer schon abgeschlossenen oder etwa künftighin abzuschliessenden Zolleinigung auferlegten Verbindlichkeiten.

Das gegenwärtige Protokoll, welches ohne besondere Ratifikation durch die blosse Thatsache der Auswechselung der Ratifikationen des Vertrages, auf welchen es sich bezieht, als gebilligt und bestätigt anzusehen ist, wurde in Wien in doppelter Ausfertigung am 31. August, 1892, verfasst.

(L.S.) H. VII, P. REUSS.

(L.S.) G. S. SIMICS.

ERKLÄRUNG.—*Berlin, den 24 Juni, 1893.*

In Abänderung der Bestimmung in Artikel XI des am 31. August, 1892, zu Wien unterzeichneten Handels- und Zollvertrages zwischen dem deutschen Reich und Serbien haben die Unterzeichneten im Namen ihrer Regierungen Folgendes vereinbart:

Die Festsetzung des Termins für das Inkrafttreten des Handels- und Zollvertrages vom 31. August, 1892, wird der Vereinbarung der beiderseitigen Regierungen vorbehalten.

Gegenwärtige Erklärung soll zugleich mit dem Vertrage vom 31. August, 1892, ratifizirt werden.

Geschehen zu Berlin, den 24 Juni, 1893.

**FREIHERR VON ROTENHAN.
IVAN PAVLOVITCH.**

COMMERCIAL DECLARATION between the Netherlands and Portugal.—Signed at Lisbon, July 5, 1894.

[Ratifications exchanged at the Hague, May 22, 1896.]

En attendant la conclusion d'un Traité de Commerce et de Navigation entre les Pays-Bas et le Portugal établi sur des bases plus amples, le Gouvernement de Sa Majesté la Reine des Pays-Bas et le Gouvernement de Sa Majesté le Roi de Portugal et des Algarves sont convenus de la Déclaration suivante :—

ART. I.* Les produits du sol et de l'industrie des Pays-Bas, mentionnés dans le Tarif ci-joint (Annexe A), importés directement, payeront en Portugal et aux Iles de Madère, de Porto-Santo, et des Azores les droits fixés par le dit Tarif, tous droits additionnels compris.

II.* Les produits du sol et de l'industrie des Pays-Bas, indiqués par le Tableau ci-joint (Annexe B), importés directement en Portugal et aux Iles de Madère, de Porto-Santo, et des Azores, n'y seront pas assujettis à des droits autres ni plus élevés, de quelque dénomination que ce soit, que les produits similaires d'une autre nation étrangère.

III.* Les produits du sol et de l'industrie du Portugal, des Iles de Madère, de Porto-Santo, et des Azores, importés directement dans les Pays-Bas, n'y seront pas assujettis à des droits autres ni plus élevés, de quelque dénomination que ce soit, que les produits similaires d'une autre nation étrangère.

IV.* Pour ce qui concerne l'importation indirecte, le transit, l'exportation, la réexportation, et la navigation, les deux Gouvernements se garantissent réciproquement le traitement de la nation étrangère la plus favorisée.

V. Pour le cas où le Gouvernement Portugais accorderait en termes généraux à un pays tiers le traitement de la nation la plus favorisée en matière de commerce, ce traitement sera du fait même et sans autre stipulation applicable aux Pays-Bas.

VI. Les Concessions que le Portugal a accordées ou accordera à l'Espagne et au Brésil ne pourront être réclamées par les Pays-Bas comme conséquence de la présente Déclaration, mais il est entendu que si le Portugal concédait à quelque autre État le partage des faveurs qu'il aurait accordées à l'Espagne ou au Brésil, les Pays-Bas jouiraient des mêmes faveurs.

VII. Toutes questions ou tous différends sur l'interprétation ou

* See Protocol, page 631.

l'exécution de la présente Déclaration, et, de même, toute autre question qui pourrait surgir entre les deux pays, pourvu qu'elle ne touche ni à leur indépendance ni à leur autonomie, s'ils ne peuvent être réglés à l'amiable, seront soumis au jugement de deux Arbitres, dont un sera nommé par chacun des deux Gouvernements. En cas de différence d'opinion entre les deux Arbitres, ceux-ci désigneront de commun accord un troisième qui décidera.*

VIII. Cette Déclaration restera exécutoire pendant une année après l'échange des ratifications, et continuera à être en vigueur jusqu'à l'expiration d'une année à partir du jour où l'un des deux Gouvernements l'aura dénoncée.

Le Portugal se réserve la faculté de dénoncer cette Déclaration et d'en faire cesser les effets trois mois après, si la limite actuelle de la force alcoolique des vins importés dans les Pays-Bas était abaissée au détriment des vins Portugais, ou si ces vins y étaient frappés par des droits d'octroi ou de consommation plus forts que les vins de même nature nationaux ou de toute autre origine, à moins que le Gouvernement Portugais n'eût consenti à pareil abaissement ou traitement différentiel de la part d'un Gouvernement tiers, sans dénoncer la Convention de Commerce qui le lierait avec ce pays.

Les Pays-Bas font les mêmes réserves pour le cas où le Gouvernement Portugais traiterait le commerce ou la navigation des Pays-Bas dans les Colonies Portugaises sur un pied moins favorable que ceux d'un tiers pays.

La Déclaration sera soumise dans le plus bref délai à l'approbation de la Législature des deux pays, et l'échange des ratifications aura lieu à la Haye aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires, dûment autorisés, ont signé la présente Déclaration et y ont apposé leurs cachets.

Fait en double expédition à Lisbonne, le 5 Juillet, 1894.

(L.S.) CAREL VAN HEECKEREN.

(L.S.) ERNESTO RODOLPHO HINTZE RIBEIRO.

* See Exchange of Notes, page 632.

Annexe (A).

Produits du sol et de l'industrie des Pays-Bas qui, en outre qu'ils bénéficieraient du traitement de la nation étrangère la plus favorisée, ne payeront à leur importation en Portugal, aux Iles de Madère, de Porto-Santo, et des Azores, des droits autres ni plus élevés que les droits réduits ou consolidés qui suivent, tous droits additionnels compris.

Articles.		Par kilog.
		Reis.
<i>ex</i> 273	Damassés de jute.	1,000
275	Toile d'emballage et grosse toile de jute	150
276	Toile d'emballage et grosse toile de lin ou de jute mêlé de lin ou de chanvre	180
<i>ex</i> 288	Tissus de jute non dénommés, écus ou blanchis	650
<i>ex</i> 291	Sacs en toile d'emballage ou en grosse toile de jute	225
339	Sucre raffiné par la méthode Portugaise, et sucre au- dessus du type 20 de l'échelle Hollandaise	145
340	Sucre non dénommé	120
367	Fromages	200
477	Étain ouvré	200
<i>ex</i> 477	Capsules en étain pour bouteilles	160
<i>ex</i> 577	Pipes en terre ou en craie, sans ornements ni incrustations d'autre matière.	80
590	Bougies de tout genre pour l'éclairage, à l'exception de bougies contenant de la paraffine	90

Fait en double expédition à Lisbonne, le 5 Juillet, 1894.

CAREL VAN HEECKEREN.

ERNESTO RODOLPHO HINTZE RIBEIRO.

Annexe (B).

Les produits compris dans les articles suivants du Tarif Portugais actuel des droits d'importation (Loi du 10 Mai, 1892, et Décret du 17 Juin, 1892) ne pourront pas être assujettis à leur importation directe des Pays-Bas en Portugal, aux Iles de Madère, de Porto-Santo, et des Azores, à des droits d'entrée autres ni plus élevés que les produits similaires d'origine ou de manufacture d'un autre pays.

Numéros des Articles.

LES numéros 3, 4, 5, 7, 8, 9, 11, et 12;

Le numéro 14 et les numéros suivants jusqu'au numéro 24 inclusivement;

Le numéro 26 et les numéros suivants jusqu'au numéro 38 inclusivement;

Le numéro 40 et les numéros suivants jusqu'au numéro 48 inclusivement;

Le numéro 50;

Le numéro 53 et les numéros suivants jusqu'au numéro 56 inclusivement;

Le numéro 58 et les numéros suivants jusqu'au numéro 86 inclusivement;

Les numéros 88, 91, 94, 95, et 96;

Le numéro 100 et les numéros suivants jusqu'au numéro 118 inclusivement;

Le numéro 121 et les numéros suivants jusqu'au numéro 125 inclusivement;

Le numéro 127 et les numéros suivants jusqu'au numéro 176 inclusivement;

Le numéro 179 et les numéros suivants jusqu'au numéro 348 inclusivement;

Les numéros 350 et 351;

Le numéro 354 et les numéros suivants jusqu'au numéro 367 inclusivement;
 Le numéro 369 et les numéros suivants jusqu'au numéro 429 inclusivement;
 Le numéro 431 et les numéros suivants jusqu'au numéro 434 inclusivement;
 Les numéros 436, 437, 438, 440, 441, et 442;
 Le numéro 444 et les numéros suivants jusqu'au numéro 489 inclusivement;
 Le numéro 491;
 Le numéro 493 et les numéros suivants jusqu'au numéro 517 inclusivement;
 Le numéro 519 et les numéros suivants jusqu'au numéro 558 inclusivement;
 Les numéros 563, 564, et 565;
 Le numéro 567 et les numéros suivants jusqu'au numéro 587 inclusivement;

et

Les numéros 590, 591, et 592.

Fait en double expédition à Lisbonne, le 5 Juillet, 1894.

CAREL VAN HEECKEREN.

ERNESTO RODOLPHO HINTZE RIBEIRO.

PROTOCOLE.

Au moment de procéder à la signature de la Déclaration conclue à la date de ce jour entre les Pays-Bas et le Portugal, les Plénipotentiaires soussignés ont dressé le Protocole suivant :—

(a.) Les mots " produits du sol et de l'industrie " insérés aux Articles I, II, et III doivent être entendus en ce sens, qu'ils s'appliquent non seulement aux produits de la métropole mais également aux produits des Colonies respectives exportés de la métropole.

(b.) Les dispositions de l'Article IV ne s'appliquent pas aux faveurs par rapport à la navigation consignées dans les Traités du Portugal avec la République Sud-Africaine et l'État Libre d'Orange.

(c.) Les deux Gouvernements, se réservant toute liberté d'action au sujet du règlement ultérieur de leurs relations coloniales (en dehors de ce qui a été établi par rapport à leurs possessions dans l'Archipel de Timor et Solor),* conviennent cependant dès maintenant de ne placer ni les établissements commerciaux de l'un des deux pays qui se trouvent déjà établis dans les Colonies de l'autre, ni les entreprises de navigation de l'un des deux pays qui se trouvent déjà en relations avec les Colonies de l'autre, dans une position moins favorable que ceux d'un tiers pays.

(d.) Le présent Protocole, qui sera ratifié en même temps que la Déclaration susmentionnée, sera considéré comme faisant partie intégrante de cette Déclaration et aura même force, valeur et durée.

Fait en double expédition à Lisbonne, le 5 Juillet, 1894.

(L.S.) CAREL VAN HEECKEREN.

(L.S.) ERNESTO RODOLPHO HINTZE RIBEIRO.

* Convention of June 10 and Declaration of July 1, 1893. See Vol. LXXXV, pages 394 and 396.

NOTES exchanged between the Netherlands and Portugal, respecting the Composition of Commissions of Arbitration. — Lisbon, February 9, 1895.

M. LE MINISTRE,

Lisbonne, le 9 Février, 1895.

EN admettant le principe d'arbitrage dans nos deux dernières Conventions du 10 Juin, 1893, et du 5 Juillet, 1894, nous avons adopté deux règles différentes par rapport à la composition des Commissions d'Arbitrage.

Bien que les dispositions de notre Déclaration Commerciale du 5 Juillet* dernier ne dérogent point aux principes de la Convention du 10 Juin, 1893,† ni à ceux de la Déclaration du 1 Juillet, 1893,‡ conclues à Lisbonne dans le but de régler les relations coloniales de nos deux pays dans l'Archipel de Timor et Solor, le Gouvernement Royal propose d'établir dès maintenant que toute Commission d'Arbitres à laquelle il y aurait lieu d'avoir recours pendant la durée de la Convention Commerciale du 5 Juillet dernier et en vertu des stipulations de la Convention du 10 Juin, 1893, ou de la Déclaration du 1^{er} Juillet, 1893, susmentionnées, sera composée de deux Arbitres, qui en cas de différence d'opinion désigneront de commun accord un troisième qui décidera.

Or, il est bien entendu que les dispositions de l'Article VII de la Convention sus-indiquée du 10 Juin, 1893, qui se rapportent plus particulièrement à la composition de la Commission d'Arbitres, rentreront en pleine vigueur aussitôt que la Déclaration Commerciale du 5 Juillet dernier cessera ses effets.

En priant votre Excellence de bien vouloir me faire savoir si le Gouvernement de Sa Majesté Très Fidèle se rallie à cette proposition, je saisis, &c.,

M. Lobo d'Avila.

CAREL VAN HEECKEREN.

M. LE MINISTRE,

Lisbonne, le 9 Février, 1895.

PAR une note en date d'aujourd'hui vous avez bien voulu me soumettre une proposition de votre Gouvernement par rapport à la composition de la Commission d'Arbitrage en vertu des dernières Conventions conclues entre le Portugal et les Pays-Bas.

Bien que les dispositions de notre Déclaration Commerciale du 5 Juillet dernier ne dérogent point aux principes de la Convention du 10 Juin, 1893, ni à ceux de la Déclaration du 1^{er} Juillet, 1893, conclues à Lisbonne dans le but de régler les relations coloniales de nos deux pays dans l'Archipel de Timor et Solor, le Gouvernement de Sa Majesté Très Fidèle consent à établir dès maintenant que toute Commission d'Arbitres à laquelle il y aurait lieu d'avoir

* Page 628.

† Vol. LXXXV, page 394.

‡ Vol. LXXXV, page 396.

recours pendant la durée de la Convention Commerciale du 5 Juillet dernier et en vertu des stipulations de la Convention du 10 Juin, 1893, ou de la Déclaration du 1^{er} Juillet, 1893, susmentionnées, sera composée de deux Arbitres, qui en cas de différence d'opinion désigneront de commun accord un troisième qui décidera.

Il est bien entendu que les dispositions de l'Article VII de la Convention sus-indiquée du 10 Juin, 1893, qui se rapporte plus particulièrement à la composition de la Commission d'Arbitres, rentreront en pleine vigueur aussitôt que la Déclaration Commerciale du 5 Juillet dernier cessera ses effets.

Je saisis, &c.,

Baron de Heeckeren.

LOBO D'AVILA.

*ACT of the British Parliament, to consolidate Enactments
relating to Merchant Shipping.*

[57 & 58 Vict., c. 60.]

—

[August 25, 1894.]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—REGISTRY.

Qualification for owning British Ships.

1. A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships); namely—

- (a.) Natural born British subjects;
- (b.) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or Ordinance of the proper legislative authority in a British possession;
- (c.) Persons made denizens by letters of denization; and
- (d.) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions:

Provided that any person who either—

- (i.) Being a natural born British subject has taken the oath of allegiance to a foreign Sovereign or State, or has otherwise become a citizen or subject of a foreign State; or
- (ii.) Has been naturalized or made a denizen as aforesaid;

Shall not be qualified to be owner of a British ship, unless, after taking the said oath, or becoming a citizen or subject of a foreign

State, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the time he is owner of the ship either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

Obligation to register British Ships.

2.—(1.) Every British ship shall, unless exempted from registry, be registered under this Act.

(2.) If a ship required by this Act to be registered is not registered under this Act she shall not be recognized as a British ship.

(3.) A ship required by this Act to be registered may be detained until the master of the ship, if so required, produces the certificate of the registry of the ship.

3. The following ships are exempted from registry under this Act:—

(1.) Ships not exceeding 15 tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of the ships are resident;

(2.) Ships not exceeding 30 tons burden and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portions of the coasts of Canada as lie bordering on that gulf.

Procedure for Registration.

4.—(1.) The following persons shall be Registrars of British ships:—

(a.) At any port in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the Chief Officer of Customs;

(b.) In Guernsey and Jersey, the Chief Officers of Customs together with the Governor;

(c.) In Malta and Gibraltar, the Governor;

(d.) At Calcutta, Madras, and Bombay, the Port Officer;

(e.) At any other port in any British possession approved by the Governor of the possession for the registry of ships, the Chief Officer of Customs, or, if there is no such officer there resident, the Governor of the possession in which the port is situated, or any officer appointed for the purpose by the Governor;

(f.) At a port of registry established by Order in Council under this Act, persons of the description in that behalf declared by the Order.

(2.) Notwithstanding anything in this section Her Majesty may by Order in Council declare, with respect to any British possession named in the Order, not being the Channel Islands or the Isle of Man, the description of persons who are to be Registrars of British ships in that possession.

(3.) A Registrar shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of Registrar, unless the same has happened through his neglect or wilful act.

5. Every Registrar of British ships shall keep a book to be called the "Register Book," and entries in that book shall be made in accordance with the following provisions:—

(i.) The property in a ship shall be divided into sixty-four shares;

(ii.) Subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons or of any Company represented by or claiming under or through any registered owner or joint owner;

(iii.) A person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;

(iv.) Joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered;

(v.) A corporation may be registered as owner by its corporate name.

6. Every British ship shall before registry be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations of this Act, and the surveyor shall grant his certificate specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Board of Trade, and such certificate shall be delivered to the Registrar before registry.

7.—(1.) Every British ship shall before registry be marked permanently and conspicuously to the satisfaction of the Board of Trade as follows:—

(a.) Her name shall be marked on each of her bows, and her name and the name of her port of registry must be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than inches, and of proportionate breadth;

(b.) Her official number and the number denoting her tonnage shall be cut in on her main beam;

(c.) A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in capital letters or in figures, not less than 6 inches in height, the lower line of such letters or figures to coincide with the line denoted thereby, and those letters or figures must be by being cut in and painted white or yellow on a dark background, or in such other way as the Board of Trade approve.

(2.) The Board of Trade may exempt any class of ships from all or any of the requirements of this section, and a ship entered in the fishing-boat register, and lettered and numbered in pursuance of the Fourth Part of this Act, need not have its name and port of registry marked under this section.

(3.) If the scale of feet showing the ship's draught of water in any respect inaccurate, so as to be likely to mislead, the ship shall be liable to a fine not exceeding 100*l*.

(4.) The marks required by this section shall be continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being changed in the manner provided by this Act.

(5.) If an owner or master of a British ship neglects to have his ship to be marked as required by this section, or if so marked, or if any person conceals, removes, alters, or obliterates, or suffers any person under his control to remove, alter, deface, or obliterate any of the said marks, in the event aforesaid, or except for the purpose of recapture by an enemy, that owner, master, or person shall be liable to a fine not exceeding 100*l*, and on conviction by a surveyor of ships, or Board of Trade Inspector, under this Act, that a ship is insufficiently or inaccurately marked, may be detained until the insufficiency or inaccuracy is remedied.

8. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered, or owner, or by some one or more of the persons so requiring, if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be proved by writing, if appointed by individuals, under the hands and seals of the appointers, and, if appointed by a corporation, under the seal of that corporation.

9. A person shall not be entitled to be registered as owner of a ship or of a share therein until he, or in the case of a corporation the person authorized by this Act to make declarations on behalf of the corporation, has made and signed a declaration of

referring to the ship as described in the certificate of the surveyor, and containing the following particulars:—

(i.) A statement of his qualification to own a British ship, or, in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship;

(ii.) A statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or, in the case of a ship condemned, a statement of the time, place, and Court at and by which she was condemned;

(iii.) A statement of the name of the master;

(iv.) A statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner;

(v.) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

10.—(1.) On the first registry of a ship the following evidence shall be produced in addition to the declaration of ownership:—

(a.) In the case of a British-built ship, a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry;

(b.) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry;

(c.) In the case of a ship condemned by any competent Court, an official copy of the condemnation.

(2.) The builder shall grant the certificate required by this section, and such person as the Commissioners of Customs recognize as carrying on the business of the builder of a ship shall be included, for the purposes of this section, in the expression "builder of the ship."

(3.) If the person granting a builder's certificate under this

section wilfully makes a false statement in that certificate for each offence be liable to a fine not exceeding 100*l*.

11. As soon as the requirements of this Act prescribed by the registry have been complied with, the Registrar shall enter in the register book the following particulars respecting the ship:

(a.) The name of the ship and the name of the port to which she belongs;

(b.) The details comprised in the surveyor's certificate of tonnage;

(c.) The particulars respecting her origin stated in the certificate of ownership; and

(d.) The name and description of her registered owner, and if there are more owners than one, the names of all of them, and the share which they are interested in her.

12. On the registry of a ship the Registrar shall require to be produced in his possession the following documents, namely, the surveyor's certificate, the builder's certificate, any bill of sale of the ship, the certificate of tonnage, the copy of the condemnation (if any), and all documents relating to the ownership.

13. The port at which a British ship is registered shall be deemed her port of registry and the port to which she belongs.

Certificate of Registry.

14. On completion of the registry of a ship, the Registrar shall grant a certificate of registry comprising the particulars of the ship as entered in the register book, with the name of her owner.

15.—(1.) The certificate of registry shall be used for the purpose of the lawful navigation of the ship, and shall not be subject to any lien or charge by reason of any title, lien, charge, or interest whatsoever claimed by any owner, mortgagee, or other person to, or in, the ship.

(2.) If any person, whether interested in the ship or not, refuses on request to deliver up the certificate of registry to the Registrar, or in possession or under his control to the person entitled to the possession thereof for the purposes of the lawful navigation of the ship, any Registrar, officer of Customs, or other person entitled to require such delivery, any Justice by warrant under the hand and seal, or any Court capable of taking cognizance of the offence, may summon the person so refusing to appear before the Justice or Court, and to be examined touching such refusal, and if it is proved to the satisfaction of such Justice or Court that there was reasonable cause for such refusal, the offender shall be liable to a fine not exceeding 100*l*.; but if it is shown to the satisfaction of the Court that the certificate is lost, the person summoned

discharged, and the Justice or Court shall certify that the certificate of registry is lost.

(3.) If the person so refusing is proved to have absconded so that the warrant of a Justice or process of a Court cannot be served on him, or if he persists in not delivering up the certificate, the Justice or Court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

16. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall, in respect of each offence, be guilty of a misdemeanour, and the ship shall be subject to forfeiture under this Act.

17. The Registrar of the port of registry of a ship may, with the approval of the Commissioners of Customs, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof.

18.—(1.) In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the Registrar of her port of registry shall grant a new certificate of registry in lieu of her original certificate.

(2.) If the port (having a British Registrar or Consular officer) at which the ship is at the time of the event, or first arrives after the event—

(a.) Is not in the United Kingdom, where the ship is registered in the United Kingdom; or

(b.) Is not in the British possession in which the ship is registered; or

(c.) Where the ship is registered at a port of registry established by Order in Council under this Act, is not that port;

Then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of such ship to the best of the declarant's knowledge and belief, and the Registrar or Consular officer, as the case may be, shall thereupon grant a provisional certificate containing a statement of the circumstances under which it is granted.

(3.) The provisional certificate shall within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, where she is registered in the United Kingdom, or in the British possession in which she is registered, or where she is registered at a port of registry established by Order in Council under this Act at that port, be delivered up to the Registrar of her port of registry, and the Registrar shall thereupon grant the new certificate of registry; and if the master without reasonable cause

fails to deliver up the provisional certificate within the time aforesaid, he shall be liable to a fine not exceeding 50*l*.

19. Where the master of a registered British ship changes the name of the ship, he shall deliver up the certificate of registry to each of the following persons (that is to say)—

(a.) If the change is made in consequence of the order of the Admiralty, the Naval Court, the presiding officer of that Court; and

(b.) If the change is made in consequence of the order of the Admiralty, the master by a Court under Part VI of this Act, the presiding officer of that Court; and

(c.) If the change occurs from any other cause, the master, if there is none, the British Consular officer, at the port where the change occurs;

Shall indorse and sign on the certificate of registry the name of the ship, the name of the master, the date of the change, and shall forthwith report the change to the Registrar-General of Shipping and Seamen; and to the Collector of Customs at any port in Her Majesty's dominions where the ship is, and shall not admit any person to do any act there as master of a ship, unless his name is inserted in or indorsed on her certificate of registry as her last appointed master.

20.—(1.) Whenever a change occurs in the registry of a ship, the change of ownership shall be indorsed on the certificate of registry either by the Registrar of the ship's port of registry, or by the Registrar of any port at which the ship is, who has been advised of the change by the Registrar of the ship's port of registry.

(2.) The master shall, for the purpose of such indorsement, deliver the certificate of registry to the Registrar of the ship's port of registry, forthwith after the change if the ship is at that port, or during her absence from that port and the indorsement of the certificate of registry is not made before her return, then upon her first return to that port.

(3.) The Registrar of any port, not being the Registrar of the ship's port of registry, who is required to make an indorsement on the certificate of registry, may for that purpose require the master of the ship to deliver to him the ship's certificate of registry, so that the ship shall not be not thereby detained, and the master shall deliver up the certificate accordingly.

(4.) If the master fails to deliver to the Registrar of the ship's port of registry as required by this section he shall, for each day that he so fails, be liable to a fine not exceeding 100*l*.

21.—(1.) In the event of a registered ship being either totally or constructively lost, taken by the enemy, burnt, or broken up, or ceasing, by reason of a transfer to persons not qualified to be the owners of British ships, or otherwise, to be a British ship,

p or any share in the ship shall, immediately on edge of the event, if no notice thereof has already Registrar, give notice thereof to the Registrar at try, and that Registrar shall make an entry thereof ok.

such case, except where the ship's certificate of or destroyed, the master of the ship shall, if the port immediately, but if it occurs elsewhere then after his arrival in port, deliver the certificate to , if there is none, to the British Consular officer registrar, if he is not himself the Registrar of her , or the British Consular officer shall forthwith ificate delivered to him to the Registrar of her

ch owner or master fails, without reasonable cause, his section, he shall for each offence be liable to a g 100l.

at a port not within Her Majesty's dominions, and of registry established by Order in Council under becomes the property of persons qualified to own the British Consular officer there may grant to her plication, a provisional certificate, stating— e of the ship;

and place of her purchase, and the names of her

e of her master; and

t particulars respecting her tonnage, build, and n he is able to obtain;

rward a copy of the certificate at the first con- nity to the Registrar-General of Shipping and

provisional certificate shall have the effect of a gistry until the expiration of six months from its e ship's arrival at a port where there is a Registrar happens), and on either of those events happening e effect.

t appears to the Commissioners of Customs, or to f a British possession, that by reason of special would be desirable that permission should be

British ship to pass, without being previously any port in Her Majesty's dominions to any other r Majesty's dominions, the Commissioners or the rant a pass accordingly, and that pass shall, for the the limits therein mentioned, have the same effect f registry.

Transfers and Transmissions.

24.—(1.) A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale.

(2.) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the Registrar, and shall be in the form marked (A) in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.

25. Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorized by this Act to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a "declaration of transfer") referring to the ship, and containing—

(a.) A statement of the qualification of the transferee to own a British ship, or if the transferee is a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship; and

(b.) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

26.—(1.) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the Registrar of her port of registry, with the declaration of transfer, and the Registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall indorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.

(2.) Bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the Registrar.

27.—(1.) Where the property in a registered ship or share therein is transmitted to a person qualified to own a British ship on the marriage, death, or bankruptcy, of any registered owner, or by any lawful means other than by a transfer under this Act—

(a.) That person shall authenticate the transmission by making and signing a declaration (in this Act called a "declaration of transmission") identifying the ship, and containing the several statements hereinbefore required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a

statement of the manner in which and the person to whom the property has been transmitted;

(b.) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner;

(c.) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in Courts of Justice as proof of the title of persons claiming under a bankruptcy;

(d.) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

(2.) The Registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons; but those persons, however numerous, shall, for the purpose of the provision of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

28.—(1.) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, or otherwise, to a person not qualified to own a British ship, then—

If the ship is registered in England or Ireland, the High Court;
or

If the ship is registered in Scotland, the Court of Session; or

If the ship is registered in any British possession, the Court having the principal civil jurisdiction in that possession; or

If the ship is registered in a port of registry established by Order in Council under this Act, the British Court having the principal civil jurisdiction there;

May, on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the Court direct.

(2.) The Court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3.) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission

has taken place, or within such further time (not exceeding in the whole one year from the date of the occurrence) as the Court allow.

(4.) If such an application is not made within the time aforesaid, or if the Court refuse an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

29. Where any Court, whether under the preceding sections of this Act or otherwise, orders the sale of any ship or share therein, the order of the Court shall contain a declaration vesting in some person named by the Court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and every Registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

30. Each of the following Courts; namely—

(a.) In England and Ireland, the High Court;

(b.) In Scotland, the Court of Session;

(c.) In any British possession, the Court having the principal civil jurisdiction in that possession; and

(d.) In the case of a port of registry established by Order in Council under this Act, the British Court having the principal civil jurisdiction there;

May, if the Court think fit (without prejudice to the exercise of any other power of the Court), on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein, and the Court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and every Registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

Mortgages.

31.—(1.) A registered ship or a share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (in this Act called a "mortgage") shall be in the form marked (B) in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and on the production of such instrument the Registrar of the ship's port of registry shall record it in the register book.

(2.) Mortgages shall be recorded by the Registrar in the order

in time in which they are produced to him for that purpose, and the Registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the day and hour of that record.

32. Where a registered mortgage is discharged, the Registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made the estate (if any) which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any) it would have vested if the mortgage had not been made.

33. If there are more mortgages than one registered in respect of the same ship or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority, one over the other, according to the date at which each mortgage is recorded in the register book, and not according to the date of each mortgage itself.

34. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.

35. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of a Court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

36. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

37. A registered mortgage of a ship or share may be transferred to any person, and the instrument effecting the transfer shall be in the form marked (C) in the first part of the First Schedule to this Act, or as near thereto as circumstances permit, and on the production of such instrument the Registrar shall record it by entering in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand notify on

the instrument of transfer that it has been recorded by him, stating the day and hour of the record.

38.—(1.) Where the interest of a mortgagee in a ship or share is transmitted on marriage, death, or bankruptcy, or by any lawful means, other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, containing a statement of the manner in which and the person to whom the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share.

(2.) The Registrar on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share.

Certificates of Mortgage and Sale.

39. A registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country in which the port of registry of the ship is situate, may apply to the Registrar, and the Registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale.

40. Before a certificate of mortgage or sale is granted, the applicant shall state to the Registrar, and the Registrar shall enter in the register book, the following particulars (that is to say):—

(i.) The name of the person by whom the power mentioned in the certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made, if it is intended to fix any such minimum;

(ii.) The place where the power is to be exercised, or if no place is specified, a declaration that it may be exercised anywhere, subject to the provisions of this Act;

(iii.) The limit of time within which the power may be exercised.

41. A certificate of mortgage or sale shall not be granted so as to authorize any mortgage or sale to be made—

If the port of registry of the ship is situate in the United Kingdom, at any place within the United Kingdom; or

If the port of registry is situate within a British possession, at any place within the same British possession; or

If the port of registry is established by Order in Council under

this Act, at that port, or within such adjoining area as is specified in the Order; or

By any person not named in the certificate.

42. A certificate of mortgage and a certificate of sale shall contain a statement of the several particulars by this Act directed to be entered in the register book on the application for the certificate, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ship or share in respect of which the certificate is given.

43. The following rules shall be observed as to certificates of mortgage:—

(1.) The power shall be exercised in conformity with the directions contained in the certificate;

(2.) Every mortgage made thereunder shall be registered by the indorsement of a record thereof on the certificate by a Registrar or British Consular officer;

(3.) A mortgage made in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying before the making of the mortgage;

(4.) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;

(5.) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage;

(6.) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate;

(7.) The discharge of any mortgage so registered on the certificate may be indorsed on the certificate by any Registrar or British Consular officer, on the production of such evidence as is by this Act required to be produced to the Registrar on the entry of the discharge of a mortgage in the register book; and on that indorsement being made, the interest, if any, which passed to the mortgagee

shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any) have vested if the mortgage had not been made;

(8.) On the delivery of any certificate of mortgage to the Registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate, and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void to all intents.

44. The following rules shall be observed as to certificates of sale:—

(1.) A certificate of sale shall not be granted except for the sale of an entire ship;

(2.) The power shall be exercised in conformity with the directions contained in the certificate;

(3.) A sale made in good faith thereunder to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying before the making of such sale;

(4.) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;

(5.) A transfer made to a person qualified to be the owner of a British ship shall be by a bill of sale in accordance with this Act;

(6.) If the ship is sold to a person qualified to be the owner of a British ship, the ship shall be registered anew; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book;

(7.) Before registry anew there shall be produced to the Registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship;

(8.) The last-mentioned Registrar shall retain the certificates of sale and registry, and after having indorsed on both of those instruments an entry of the fact of a sale having taken place, shall forward them to the Registrar of the port appearing thereon to be the former port of registry of the ship, and the last-mentioned Registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein;

On such registry anew the description of the ship contained

in her original certificate of registry may be transferred to the new register book, without her being resurveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee ;

(10.) If the ship is sold to a person not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to a Registrar or British Consular officer, and that Registrar or officer shall retain the certificates of sale and registry, and, having indorsed thereon the fact of that ship having been sold to a person not qualified to be the owner of a British ship, shall forward the certificates to the Registrar of the port appearing on the certificate of registry to be the port of registry of that ship ; and that Registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein ;

(11.) If, on a sale being made to a person not qualified to be the owner of a British ship, default is made in the production of such certificates as are mentioned in the last rule, that person shall be considered by British law as having acquired no title to or interest in the ship ; and further, the person upon whose application the certificate of sale was granted, and the person exercising the power, shall each be liable to a fine not exceeding 100*l.* ;

(12.) If no sale is made in conformity with the certificate of sale, that certificate shall be delivered to the Registrar by whom the same was granted ; and he shall thereupon cancel it and enter the fact of the cancellation in the register book ; and every certificate so cancelled shall be void for all intents and purposes.

45. On proof at any time to the satisfaction of the Commissioners of Customs that a certificate of mortgage or sale is lost or destroyed, or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then on proof of the several matters and things that have been done thereunder, the Registrar may, with the sanction of the Commissioners, as circumstances require, either issue a new certificate, or direct such entries to be made in the register books, or such other things to be done, as might have been made or done if the loss, destruction, or obliteration had not taken place.

46.—(1.) The registered owner of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorize the Registrar by whom the certificate was granted to give notice to the

Registrar or British Consular officer at every such place the certificate is revoked.

(2.) Notice shall thereupon be given accordingly and recorded by the Registrar or British Consular officer and after it is recorded the certificate shall be deemed to be null and of no effect so far as respects any mortgage or sale made at that place.

(3.) The notice after it has been recorded shall be given to every person applying for the purpose of effecting or completing a mortgage or transfer under the certificate.

(4.) A Registrar or British Consular officer on recording such notice shall state to the Registrar by whom the certificate was granted whether any previous exercise of the power to revoke the certificate refers has taken place.

Name of Ship.

47.—(1.) A ship shall not be described by any name other than that by which she is for the time being registered.

(2.) A change shall not be made in the name of a ship without the previous written permission of the Board of Trade.

(3.) Application for that permission shall be in writing and the Board are of opinion that the application is reasonable may entertain it, and thereupon require notice thereof to be published in such form and manner as they think fit.

(4.) On permission being granted to change the name of a ship the name shall forthwith be altered in the register book, in the certificate of registry, and on her bows and stern.

(5.) If it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without their permission they shall direct that her name be altered into that which it bore before the change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly.

(6.) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of the previous registration (proof of which shall lie on him), shall apply to register the ship. If the Registrar shall knowingly register the ship, except by the name by which she was previously registered, unless with the written permission of the Board of Trade.

(7.) Where a foreign ship, not having at any previous time been registered as a British ship, becomes a British ship, no person shall apply to register, and no Registrar shall knowingly register the ship, except by the name which she bore as a foreign ship.

uiately before becoming a British ship, unless with the previous written permission of the Board of Trade.

(8.) If any person acts, or suffers any person under his control to act, in contravention of this section, or omits to do, or suffers any person under his control to omit to do, anything required by this section, he shall for each offence be liable to a fine not exceeding 100*l*. and (except in the case of an application being made under the section with respect to a foreign ship which not having at any previous time been registered as a British ship has become a British ship) the ship may be detained until this section is complied with.

Registry of Alterations, Registry anew, and Transfer of Registry.

48.—(1.) When a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a Registrar, that Registrar, or, if it is made elsewhere, the Registrar of the first port having a Registrar at which the ship arrives after the alteration, shall, on application being made to him, and on receipt of a certificate from the proper surveyor stating the particulars of the alteration, either cause the alteration to be registered, or direct that the ship be registered anew.

(2.) On failure to register anew a ship or to register an alteration of a ship so altered as aforesaid, that ship shall be deemed not duly registered, and shall not be recognized as a British ship.

49.—(1.) For the purpose of the registry of an alteration in a ship, the ship's certificate of registry shall be produced to the Registrar, and the Registrar shall, in his discretion, either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or indorse and sign on the existing certificate a memorandum of the alteration.

(2.) The particulars of the alteration so made, and the fact of the new certificate having been granted, or indorsement having been made, shall be entered by the Registrar of the ship's port of registry in his register book; and for that purpose the Registrar to whom the application for the registry of the alteration has been made (if he is not the Registrar of the ship's port of registry) shall forthwith report to the last-mentioned Registrar the particulars and facts as aforesaid, accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

50.—(1.) Where any Registrar, not being the Registrar of the ship's port of registry, on an application as to an alteration in a ship, directs the ship to be registered anew, he shall either grant

a provisional certificate, describing the ship as altered, or provisionally indorse the particulars of the alteration on the existing certificate.

(2.) Every such provisional certificate, or certificate provisionally indorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she is registered in the United Kingdom, or, if she is registered in a British possession, at her port of discharge in that British possession, or, if she is registered at a port of registry established by Order in Council under this Act, at that port, be delivered up to the Registrar thereof, and that Registrar shall cause the ship to be registered anew.

(3.) The Registrar granting a provisional certificate under this section, or provisionally indorsing a certificate, shall add to the certificate or indorsement a statement that the same is made provisionally, and shall send a report of the particulars of the case to the Registrar of the ship's port of registry, containing a similar statement as the certificate or indorsement.

51. Where the ownership of any ship is changed, the Registrar of the port at which the ship is registered may, on the application of the owners of the ship, register the ship anew, although registration anew is not required under this Act.

52.—(1.) Where a ship is to be registered anew, the Registrar shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry, and on the other requisites of registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew, and grant a certificate thereof.

(2.) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon; but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register, and the registry anew shall not in any way affect the rights of any of those persons.

53.—(1.) The registry of any ship may be transferred from one port to another on the application to the Registrar of the existing port of registry of the ship, made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees; but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

(2.) On any such application the Registrar shall transmit notice to the Registrar of the intended port of registry, with a

copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested therein as owners or mortgagees.

(3.) The ship's certificate of registry shall be delivered up to the Registrar either of the existing or intended port of registry, and, if delivered up to the former, shall be transmitted to the Registrar of the intended port of registry.

(4.) On the receipt of the above documents the Registrar of the intended port of registry shall enter in his register book all the particulars and names so transmitted as aforesaid, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at the new port of registry, and the name of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern.

54. Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship, the ship shall not be re-registered until she has, at the expense of the applicant for registration, been surveyed by a surveyor of ships and certified by him to be seaworthy.

Incapacitated Persons.

55.—(1.) Where, by reason of infancy, lunacy, or any other cause, any person interested in any ship, or any share therein, is incapable of making any declaration or doing anything required or permitted by this Act to be made or done in connection with the registry of the ship or share, the guardian or committee, if any, of that person, or, if there is none, any person appointed on application made on behalf of the incapable person, or of any other person interested, by any Court or Judge having jurisdiction in respect of the property of incapable persons, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such act or thing in the name and on behalf of the incapable person; and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

(2.) "The Trustee Act, 1850," and the Acts amending the same, shall, so far as regards the Court exercising jurisdiction in lunacy in Ireland, apply to shares in ships registered under this Act as if they were stock as defined by that Act.

Trusts and Equitable Rights.

56. No notice of any trust, express, implied, or constructive, shall be entered in the register book or be receivable by the Registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or of a share therein shall have power absolutely to dispose in manner in this Act provided of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

57. The expression "beneficial interest," where used in this Part of this Act, includes interests arising under contract and other equitable interests; and the intention of this Act is, that without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the Registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein in the same manner as in respect of any other personal property.

Liability of Beneficial Owner.

58. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties, with or without joining the other of them.

Managing Owner.

59.—(1.) The name and address of the managing owner for the time being of every ship registered at a port in the United Kingdom shall be registered at the custom-house of that port.

(2.) Where there is not a managing owner, there shall be so registered the name of the ship's husband or other person to whom the management of the ship is intrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

(3.) If default is made in complying with this section the owner shall be liable, or if there are more owners than one each owner shall be liable, in proportion to his interest in the ship, to a fine not exceeding in the whole 100*l.* each time the ship leaves any port in the United Kingdom.

Declarations, Inspection of Register, and Fees.

60. When, under this Part of this Act, any person is required to make a declaration on behalf of himself or of any Corporation, or any evidence is required to be produced to the Registrar, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to make the declaration or that the evidence cannot be produced, the Registrar may, with the approval of the Commissioners of Customs, and on the production of such other evidence and subject to such terms as they may think fit, dispense with the declaration or evidence.

61.—(1.) Declarations required by this Part of this Act shall be made before a Registrar of British ships, or a Justice of the Peace, or a Commissioner for Oaths, or a British Consular officer.

(2.) Declarations required by this Part of this Act may be made on behalf of a corporation by the Secretary or any other officer of the corporation authorized by them for the purpose.

62. All fees authorized to be taken under this Part of this Act shall, except where otherwise in this Act provided, if taken in any part of the United Kingdom, be applied in payment of the general expenses of carrying into effect this Part of this Act, or otherwise as the Treasury may direct; if taken in a British possession, be disposed of in such way as the Executive Government of the possession direct; and if taken at any port of registry established by Order in Council under this Act, be disposed of as Her Majesty in Council directs.

Returns, Evidence, and Forms.

63.—(1.) Every Registrar in the United Kingdom shall at the expiration of every month, and every other Registrar at such times as may be fixed by the Registrar-General of Shipping and Seamen, transmit to him a full Return, in such form as the said Registrar-General may direct, of all registries, transfers, transmissions, mortgages, and other dealings with ships, which have been registered by or communicated to him in his character of Registrar, and of the names of the persons concerned in the same, and of such other particulars as may be directed by the said Registrar-General.

(2.) Every Registrar at a port in the United Kingdom shall, on or before the 1st day of February and the 1st day of August in

every year, transmit to the Registrar-General of Shipping men a list of all ships registered at that port, and also of those whose registers have been transferred or cancelled at that port, and return the last preceding Return.

64.—(1.) A person, on payment of a fee not exceeding five shillings fixed by the Commissioners of Customs, may, on application to the Registrar at a reasonable time during the hours of office, attend at the Registrar's office, and, on payment of the fee, inspect any register book.

(2.) The following documents shall be admissible in evidence in any manner provided by this Act, namely:—

(a.) Any register book under this Part of this Act produced by the Registrar or other proper officer from the custody of the Registrar or other proper officer in the lawful custody thereof;

(b.) A certificate of registry under this Act purporting to be signed by the Registrar or other proper officer;

(c.) An indorsement on a certificate of registry purporting to be signed by the Registrar or other proper officer;

(d.) Every declaration made in pursuance of this Part of this Act in respect of a British ship.

(3.) A copy or transcript of the register of British ships kept by the Registrar-General of Shipping and Seamen under this Part of this Act, or of the Board of Trade shall be admissible in evidence in any manner provided by this Act, and have the same effect to all intents and purposes as the original register of which it is a copy or transcript.

65.—(1.) The several instruments and documents in the second part of the First Schedule to this Act shall be in the form prescribed by the Commissioners of Customs, with the sanction of the Board of Trade, or as near thereto as circumstances may admit. The Commissioners of Customs may, with the sanction of the Board of Trade, make such alterations in the forms so prescribed as may be necessary, and also in the forms set out in the first part of the said Schedule as they may deem requisite.

(2.) A Registrar shall not be required without the sanction of the Commissioners of Customs to receive or issue any bill of sale, mortgage, or other instrument relating to the disposal or transfer of any ship or share, or any interest therein, which is made in any form other than that form prescribed by the Commissioners of Customs, or which is not being required under this Part of this Act, or which contains any particulars other than those contained in such form; but the Commissioners shall, before altering the forms, give notice thereof as may be necessary in order to prevent inconvenience.

(3.) The Commissioners of Customs shall cause the forms prescribed by this Act to be supplied to all Registrars under this Act for the use of persons requiring to use the same, either free of charge or at moderate prices as they may direct.

(4.) The Commissioners of Customs, with the consent of the Board of Trade, may also, for carrying into effect this Part of this Act, give such instructions to their officers as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to themselves of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this Part of this Act, as they think fit.

Forgery and False Declarations.

66. If any person forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any of the following documents, namely, any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Part of this Act, or any entry or indorsement required by this Part of this Act to be made in or on any of those documents, that person shall in respect of each offence be guilty of felony.

67.—(1.) If any person in the case of any declaration made in the presence of or produced to a Registrar under this Part of this Act, or in any document or other evidence produced to such Registrar—

(i.) Wilfully makes, or assists in making, or procures to be made any false statement concerning the title to or ownership of, or the interest existing in any ship, or any share in a ship; or

(ii.) Utters, produces, or makes use of any declaration, or document containing any such false statement knowing the same to be false;

He shall in respect of each offence be guilty of a misdemeanour.

(2.) If any person wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a British ship or any share therein, he shall for each offence be guilty of a misdemeanour, and that ship or share shall be subject to forfeiture under this Act, to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without authority, of any person or corporation on behalf of whom the declaration is made.

National Character and Flag.

68.—(1.) An officer of Customs shall not grant a clearance or transire for any ship until the master of such ship has declared to that officer the name of the nation to which he claims that she

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belongs, and that officer shall thereupon inscribe that name of clearance or transire.

(2.) If a ship attempts to proceed to sea without such clearance or transire, she may be detained until the declaration is made.

69.—(1.) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship, the ship shall be subject to forfeiture under this Act, unless the person has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2.) In any proceeding for enforcing any such forfeiture, the burden of proving a title to use the British flag and assume the British national character shall lie upon the person charged, and assuming the same.

70. If the master or owner of a British ship does any act which permits anything to be done, or carries or permits to be carried on board papers or documents, with intent to conceal the British character of the ship from any person entitled by British law to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act; and the master or owner commits or is privy to the commission of the offence if he respects of each offence be guilty of a misdemeanour.

71. If an unqualified person acquires as owner, or otherwise, an interest by such transmission as hereinbefore provided for, in a ship, either legal or beneficial, in a ship using a British flag, or assuming the British character, that interest shall be subject to forfeiture under this Act.

72. Where it is declared by this Act that a British ship shall not be recognized as a British ship, that ship shall not be entitled to any benefits, privileges, advantages, or protection usual to British ships, nor to use the British flag or assume the British national character, but so far as regards the payment of fines, or liability to fines and forfeiture, and the punishment of offences committed on board such ship, or by any persons belonging to such ship shall be dealt with in the same manner in all respects as if she were a recognized British ship.

73.—(1.) The red ensign usually worn by merchant-ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats of British subject, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

(2.) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat belonging to any British subject without warrant from Her Majesty or from the Admiralty, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, shall for each offence incur a fine not exceeding 500*l*.

(3.) Any commissioned officer on full pay in the military or naval service of Her Majesty, or any officer of Customs in Her Majesty's dominions, or any British Consular officer, may board any ship or boat on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty.

(4.) A fine under this section may be recovered with costs in the High Court in England or Ireland, or in the Court of Session in Scotland, or in any Colonial Court of Admiralty or Vice-Admiralty Court within Her Majesty's dominions.

(5.) Any offence mentioned in this section may also be prosecuted, and the fine for it recovered summarily, provided that—

(a.) Where any such offence is prosecuted summarily, the Court imposing the fine shall not impose a higher fine than 100*l*.; and

(b.) Nothing in this section shall authorize the imposition of more than one fine in respect of the same offence.

74.—(1.) A ship belonging to a British subject shall hoist the proper national colours—

(a.) On a signal being made to her by one of Her Majesty's ships (including any vessel under the command of an officer of Her Majesty's navy on full pay); and

(b.) On entering or leaving any foreign port; and

(c.) If of 50 tons gross tonnage or upwards, on entering or leaving any British port.

(2.) If default is made on board any such vessel in complying with this section, the master of the ship shall for each offence be liable to a fine not exceeding 100*l*.

(3.) This section shall not apply to a fishing-boat duly entered in the fishing-boat register, and lettered and numbered as required by the Fourth Part of this Act.

75. The provisions of this Act with respect to colours worn by merchant-ships shall not affect any other power of the Admiralty in relation thereto.

Forfeiture of Ship.

76.—(1.) Where any ship has either wholly or as to
therein become subject to forfeiture under this Part of this

(a.) Any commissioned officer on full pay in the m
naval service of Her Majesty ;

(b.) Any officer of Customs in Her Majesty's dominion

(c.) Any British Consular officer ;

May seize and detain the ship, and bring her for adj
before the High Court in England or Ireland, or before t
of Session in Scotland, and elsewhere before any Colonial
Admiralty or Vice-Admiralty Court in Her Majesty's d
and the Court may thereupon adjudge the ship, with h
apparel, and furniture, to be forfeited to Her Majesty, a
such order in the case as to the Court seems just, and m
to the officer bringing in the ship for adjudication such p
the proceeds of the sale of the ship, or any share therei
Court thinks fit.

(2.) Any such officer as in this section mentioned sha
responsible either civilly or criminally to any person wh
in respect of any such seizure or detention as aforesaid,
standing that the ship has not been brought in for adjud
if so brought in is declared not liable to forfeiture, if it
to the satisfaction of the Court before whom any trial r
such ship or such seizure or detention is held that th
reasonable grounds for such seizure or detention ; but if
grounds are shown the Court may award costs and damag
party aggrieved, and make such other order in the premi
Court thinks just.

Measurement of Ship and Tonnage.

77.—(1.) The tonnage of every ship to be registered,
exceptions hereinafter mentioned, shall, previously to b
registered, be ascertained by Rule I in the Second Schedu
Act, and the tonnage of every ship to which that Rule
applied, whether she is about to be registered or not,
ascertained by the same rule.

(2.) Ships which, requiring to be measured for any
other than registry, have cargo on board, and ships which,
to be measured for the purpose of registry, cannot be me
Rule I, shall be measured by Rule II in the said Schedule
owner of any ship measured under Rule II may at any su
period apply to the Board of Trade to have the ship re
under Rule I, and the Board may thereupon, upon paymen

fee, not exceeding 7s. 6d. for each transverse section, as they may authorize, direct the ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly

(3.) For the purpose of ascertaining the register tonnage of a ship the allowance and deductions hereinafter mentioned shall be made from the tonnage of the ship ascertained as aforesaid.

(4.) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

(5.) In ascertaining the tonnage of open ships Rule IV in the said Schedule shall be observed.

(6.) Throughout the rules in the Second Schedule to this Act the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships, and in carrying those rules into effect all measurements shall be taken in feet, and fractions of feet shall be expressed in decimals.

(7.) The Board of Trade may make such modifications and alterations as from time to time become necessary in the rules in the Second Schedule to this Act for the purpose of the more accurate and uniform application thereof, and the effectual carrying out of the principle of measurement therein adopted.

(8.) The provisions of this Act relating to tonnage, together with the rules for the time being in force, are in this Act referred to as the tonnage regulations of this Act.

78.—(1.) In the case of any ship propelled by steam or other power requiring engine-room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as in the last preceding section mentioned, and the remainder shall (subject to any deductions hereinafter mentioned) be deemed to be the register tonnage of the ship, and that deduction shall be estimated as follows (that is to say)—

(a.) As regards ships propelled by paddle-wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above 20 per cent. and under 30 per cent. of the gross tonnage of the ship, the deduction shall be $\frac{1}{100}$ ths of the gross tonnage; and in ships propelled by screws, in which the tonnage of such space is above 13 per cent. and under 20 per cent. of the gross tonnage, the deduction shall be $\frac{1}{100}$ ths of the gross tonnage;

(b.) As regards all other ships, the deduction shall, if the Board of Trade and the owner both agree thereto, be estimated in the same manner; but either they or he may, in their or his discretion,

require the space to be measured and the deduction accordingly; and whenever the measurement is so required the deduction shall consist of the tonnage of the space actually or required to be inclosed for the proper working of the machinery, with the addition in the case of ships propelled by paddle-wheels of one-half, and in the case of ships propelled by screws of three-fourths of the tonnage of the space so inclosed. In the case of ships propelled by screws, the contents of the space so inclosed shall be added to and deemed to form part of the space measured. The measurement of the space shall be governed by Rule 1 of the Second Schedule to this Act.

(2.) Such portion of the space above the crown of the upper room and above the upper deck as is framed in for the purpose or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power, in pursuance of a request in writing to the Board of Trade by the owner of the ship, but shall not be included in pursuance of such request unless—

(a.) That portion is first included in the measurement of the gross tonnage; and

(b.) A surveyor of ships certifies that the portion so included is reasonable in extent and is so constructed as to be suitable for the purpose, and that it cannot be used for any purpose other than for the admission of light and air to the machinery or for the admission of light and air to the main boilers of the ship.

(3.) Goods or stores shall not be stowed or carried in any space measured for propelling power, and if the same are so carried in any such space, the master and owner of the ship shall each be liable to a fine not exceeding 100*l*.

79.—(1.) In measuring or remeasuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the ship, namely:—

(a.) In the case of any ship—

(i.) Any space used exclusively for the accommodation of the crew, the master; and any space occupied by seamen or apprentices appropriated to their use, which is certified under the provisions of the Act scheduled to this Act with regard thereto;

(ii.) Any space used exclusively for the working of the capstan, and the anchor gear, or for keeping the charts, and other instruments of navigation, and boatswain's stores;

(iii.) The space occupied by the donkey engine and any space connected with the main pumps of the ship; and

(b.) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails.

(2.) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices, and certified as aforesaid, shall be subject to the following provisions, namely:—

(a.) The space deducted must be certified by a surveyor of ships as reasonable in extent, and properly and efficiently constructed for the purpose for which it is intended;

(b.) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship;

(c.) The deduction on account of space for storage of sails must not exceed $2\frac{1}{2}$ per cent. of the tonnage of the ship.

80. In the case of a screw steam-ship which on the 26th day of August, 1889, had an engine-room allowance of 32 per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall, on the application of the owner of the ship, or by direction of the Board of Trade, be measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with that addition to the tonnage the engine-room does not occupy more than 13 per cent. of the tonnage of the ship, the existing allowance for engine-room of 32 per cent. of the tonnage shall be continued.

81. In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor of ships to be not available for the carriage of cargo, stores, or fuel, then the depth required by the provisions of Rule I relating to the measurement of transverse areas shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that rule.

82. Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall henceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed; and in either of those cases the ship shall be remeasured, and her tonnage determined and registered according to the tonnage regulations of this Act.

83. Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage not exceeding those

specified in the Third Schedule to this Act, and those paid into the Mercantile Marine Fund.

84.—(1.) Whenever it appears to Her Majesty in Council that the tonnage regulations of this Act have been altered by any foreign country, and are in force there, Her Majesty in Council may order that the ships of that country shall, when being remeasured in Her Majesty's dominions, be deemed to be of the tonnage denoted in their certificates of registry, or in their national papers, in the same manner, to the same extent, for the same purposes as the tonnage denoted in the certificate of registry of a British ship is deemed to be the tonnage of that ship.

(2.) Her Majesty in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as Her Majesty in Council may deem expedient, and the operation of the Order shall be modified accordingly.

(3.) If it is made to appear to Her Majesty in Council that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be ascertained if measured under this Act, Her Majesty in Council may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be remeasured in accordance with this Act.

85.—(1.) If any ship, British or foreign, other than a trade ship as defined by this Act, carries as deck cargo, or any other goods, say, in any uncovered space upon deck, or in any other space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the registered tonnage the tonnage of the space occupied by the goods at the time at which the dues become payable.

(2.) The space so occupied shall be deemed to be limited by the area occupied by the goods and by the space inclosing a rectangular space sufficient to include the goods.

(3.) The tonnage of the space shall be ascertained by the measurement of poops or other closed-in spaces by Rules in the Second Schedule to this Act, and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate

and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

(4.) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, or to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

86. All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Board of Trade.

87. Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy those tonnage rates upon the registered tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act under which those rates are levied provides for levying the same upon some different system of tonnage measurement.

Ports of Registry in Place under Foreign Jurisdiction Act.

88. Where, in accordance with "The Foreign Jurisdiction Act, 1890,"* Her Majesty exercises jurisdiction within any port, it shall be lawful for Her Majesty, by Order in Council, to declare that port a port of registry, and by the same or any subsequent Order in Council to declare the description of persons who are to be Registrars of British ships at that port of registry, and to make regulations with respect to the registry of British ships thereat.

Registry in Colonies.

89. In every British possession the Governor of the possession shall occupy the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship or of any interest in a ship registered in that possession, and shall have power to approve a port within the possession for the registry of ships.

90.—(1.) The Governor of a British possession may, with the approval of a Secretary of State, make regulations providing that, on an application for the registry under this Act in that possession of any ship which does not exceed 60 tons burden, the Registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of six months or any longer period from the granting thereof, and all certificates of registry granted under any such regulations shall be

* Vol. LXXXII, page 656.

in such form and have effect subject to such conditions and regulations provide.

(2.) Any ship to which a certificate is granted under the regulations shall, while that certificate is in force, and to all things done or omitted during that period, be deemed to be a registered British ship.

Application of Part I.

91. This Part of this Act shall apply to the whole of Her Majesty's dominions, and to all places where Her Majesty has jurisdiction.

PART II.—MASTERS AND SEAMEN.

Certificates of Competency.

92.—(1.) Every British foreign-going ship and home trade passenger ship, when going to sea from any port in the United Kingdom, and every foreign steam-ship carrying passengers between places in the United Kingdom, shall be commanded by officers duly certificated under this Act according to the following scale:—

(a.) In any case with a duly certificated master;

(b.) If the ship is of 100 tons burden or upwards, shall have one officer besides the master holding a certificate of competency, that of only mate in the case of a foreign-going ship, and that of only first mate in the case of a home trade passenger ship;

(c.) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated;

(d.) If the ship is a foreign-going steam-ship of 100 horse-power or upwards, with at least two engineers, shall have a first-class and the other a first-class or second-class engineer duly certificated;

(e.) If the ship is a foreign-going steam-ship of 100 nominal horse-power, or a sea-going home trade passenger ship, with at least one engineer who is a first-class or second-class engineer duly certificated.

(2.) If any person—

(a.) Having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated;

(b.) Employs a person as an officer, in contravention of the foregoing section, without ascertaining that the person so employed is duly certificated;

That person shall be liable for each offence to a fine not exceeding 50*l*.

(3.) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

93.—(1.) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades (that is to say):—

Master of a foreign-going ship;
 First mate of a foreign-going ship;
 Second mate of a foreign-going ship;
 Only mate of a foreign-going ship;
 Master of a home trade passenger ship;
 Mate of a home trade passenger ship;
 First-class engineer;
 Second-class engineer.

(2.) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

94.—(1.) For the purpose of granting certificates of competency as masters or mates, to persons desirous of obtaining the same, examinations shall be held by Local Marine Boards at their respective ports.

(2.) The Board of Trade may make rules which shall be strictly adhered to by the examiners for—

- (a.) The conduct of the examinations; and
- (b.) The qualification of the applicants;

And may depute any of their officers to attend and assist at any examination.

(3.) The approval of the Board of Trade shall be necessary so far as regards the number and the remuneration of the examiners, and an examiner shall not be appointed unless he holds a certificate of qualification to be from time to time granted or renewed by the Board of Trade.

(4.) The Board of Trade may, if it appears to them that the examination for two or more ports can be held without inconvenience by the same examiners, provide that the examination be so held, and require the Local Marine Boards of those ports to act as one Board for the purpose of the examination.

(5.) Subject to the powers of the Board of Trade under this section the Local Marine Board may appoint, remove, and reappoint examiners, and regulate the conduct of the examinations, and any

member of the Local Marine Board may be present at the examinations held by that Board.

95. Where the business of a mercantile marine conducted otherwise than under a Local Marine Board, the Trade may exercise all such powers and make all such regulations for the holding of examinations as may be exercised and made by a Local Marine Board.

96.—(1.) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining such certificates, examinations shall be held at such places as the Board directs.

(2.) The Board of Trade may appoint times for the holding of such examinations, and may appoint, remove, and reappoint examiners to hold such examinations, and may determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualifications of the applicants, and may do all such acts and things as may appear to be expedient for the purpose of the examinations.

97. An applicant for examination, whether as master or engineer, shall pay such fees, not exceeding those specified in the Fourth Schedule to this Act, as the Board of Trade directs; and such fees shall be paid to such persons as the Board appoints to receive the same to the Mercantile Marine Fund.

98.—(1.) The Board of Trade shall, subject to the provisions of this Act, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and who has given satisfactory evidence of his sobriety, experience, and general good conduct on board ship, such a certificate of competency as the case requires.

(2.) The Board of Trade may, in any case in which it appears to them to have been unduly made, remit the whole or any part of the fees to the examiners who made the report or to any other person, and may require a re-examination of the applicant, and may inquire into his testimonials and character, before granting a certificate.

99.—(1.) A person who has attained the rank of Sub-Lieutenant, Navigating Lieutenant, or Lieutenant in Her Majesty's navy, or of Lieutenant in the Indian marine service, shall be entitled to a certificate of competency as master of a foreign-going ship without examination.

(2.) A person who has attained the rank of engineer in Her Majesty's navy or Indian marine service shall be entitled without examination, if an engineer, to a certificate of competency as first-class engineer, and if an assistant engineer, to a certificate of competency as second-class engineer.

(3.) A certificate of service shall differ in form from

of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4.) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home trade passenger ship shall not apply.

100.—(1.) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate and one to be preserved.

(2.) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency, and the suspending, cancelling, or altering of the certificates, and any other matter affecting them, shall be kept, in such manner as the Board of Trade direct, by the Registrar-General of Shipping and Seamen or by such other person as the Board of Trade direct.

(3.) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

101. If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

102. Where the Legislature of any British possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council—

(i.) Declare that the said certificates shall be of the same force as if they had been granted under this Act; and

(ii.) Declare that all or any of the provisions of this Act, which

relate to certificates of competency granted under t
apply to the certificates referred to in the Order; and

(iii.) Impose such conditions and make such reg
respect to the certificates, and to the use, issue, deli
tion, and suspension thereof, as Her Majesty may
impose fines not exceeding 50*l.* for the breach of t
and regulations.

103.—(1.) The master of a foreign-going ship—

(a.) On signing the agreement with the crew be
intendent shall produce to him the certificates of com
the master, mates, and engineers of the ship are by thi
to hold; and

(b.) In the case of a running agreement shall al
second and every subsequent voyage, produce to the S
the certificate of competency of any mate or engin
engaged by him who is required by this Act to hold a

(2.) The master or owner of every home trade pas
more than 80 tons burden shall produce to some S
within twenty-one days after the 30th June and the 3
in every year the certificates of competency which
mates, and engineers of the ship are by this Act requi

(3.) Upon the production of the certificates of co
Superintendent shall, if the certificates are such a
mates, and engineers of the ship ought to hold, give
a certificate to the effect that the proper certificates
have been so produced.

(4.) The master shall, before proceeding to sea
Superintendent's certificate to the chief officer of Cu
ship may be detained until the certificate is produced.

104. If any person—

(a.) Forges or fraudulently alters, or assists i
fraudulently altering, or procures to be forged or
altered, any certificate of competency, or an official co
certificate; or

(b.) Makes, assists in making, or procures to be m
representation for the purpose of procuring either for
any other person a certificate of competency; or

(c.) Fraudulently uses a certificate or copy of a
competency which has been forged, altered, cancelled,
or to which he is not entitled; or

(d.) Fraudulently lends his certificate of competen
it to be used by any other person;

That person shall in respect of each offence be g
demeanour.

Apprenticeship to the Sea Service.

105. All Superintendents shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland.

106. Subject to the special provisions of this Act, apprenticeships to the sea service made by a Board of Guardians or persons having the authority of a Board of Guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by such Boards or persons; and if made in Ireland, be subject to the following regulations:—

(a.) The Board of Guardians or other persons in any Poor Law Union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the Union, and who has attained the age of 12 years, and is of sufficient health and strength, and consents to be bound;

(b.) If the cost of relieving the boy is chargeable to an electoral division of a Poor Law Union, then (except where paid officers act in place of Guardians) he shall not be so bound unless the consent in writing of the Guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be indorsed on the indenture;

(c.) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the Poor Law Union or electoral division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed;

(d.) All indentures made in a Poor Law Union may be sued on by the Board of Guardians of the Union, or persons having the authority of such Board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland;

(e.) The amount of the cost incurred in any such action, and not recovered from the defendant, may be charged as the expenses incurred in binding out the apprentice.

107. Every indenture of apprenticeship to the sea service made in the United Kingdom by a Board of Guardians, or persons having the authority of a Board of Guardians, shall be executed by the boy and the person to whom he is bound in the presence of, and shall be attested by, two Justices of the Peace, and those Justices

shall ascertain that the boy has consented to be bound, that he has attained the age of 12 years, and is of sufficient health and understanding, and that the person to whom the boy is bound is a proper person for the purpose.

108.—(1.) Every indenture of apprenticeship to the sea shall be executed in duplicate and shall be exempt from stamp duty.

(2.) Every indenture of apprenticeship to the sea made in the United Kingdom, and every assignment or transfer of the same, and where the apprentice bound dies or deserts, the death or desertion, shall be recorded.

(3.) For the purpose of the record—

(a.) A person to whom an apprentice to the sea served shall within seven days of the execution of the indenture shall transmit to the Registrar-General of Shipping and Seamen, or a Superintendent, the indenture executed in duplicate. The Registrar-General or Superintendent shall keep and register the indenture and indorse on the other the fact that it has been recorded, and redeliver it to the master of the apprentice.

(b.) The master shall notify any assignment or transfer of the indenture, or the death or desertion of the apprentice, to the Registrar-General of Shipping and Seamen, or to a Superintendent, within seven days of the occurrence, if it occurs within the United Kingdom, or as soon as circumstances permit, if it occurs elsewhere.

(4.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding 5*l*.

109.—(1.) The master of a foreign-going ship engaged in carrying an apprentice to sea from a port in the United Kingdom shall cause the apprentice to appear before the Superintendent of the port to whom the crew are engaged, and shall produce to the Superintendent the indenture by which the apprentice is bound, and every assignment thereof.

(2.) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the persons at which the same have been registered, shall be entered in an agreement with the crew.

(3.) If the master fails without reasonable cause to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding 5*l*.

Licences to supply Seamen.

110. The Board of Trade may grant to such persons as the Board think fit licences to engage or supply seamen or

for merchant-ships in the United Kingdom, and any such licence shall continue for such period, and may be granted and revoked on such terms and conditions, as the Board think proper.

111.—(1.) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is *bond fide* the servant and in the constant employment of the owner, or is a Superintendent.

(2.) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is *bond fide* the servant and in the constant employment of the owner, or is a Superintendent.

(3.) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4.) If a person acts in contravention of this section, he shall, for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding 20*l*., and, if a licensed person, shall forfeit his licence.

112.—(1.) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorized by this Act.

(2.) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding 5*l*.

Engagement of Seamen.

113.—(1.) The master of every ship, except ships of less than 80 tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the "agreement with the crew") in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom.

(2.) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or

owner in the case of a home trade ship, shall for each liable to a fine not exceeding 5*l*.

114.—(1.) An agreement with the crew shall be approved by the Board of Trade, and shall be dated at the first signature thereof, and shall be signed by the master; a seaman signs the same.

(2.) The agreement with the crew shall contain as follows the following particulars:—

(a.) Either the nature, and, as far as practicable, the terms of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world to which the voyage or engagement is not to extend;

(b.) The number and description of the crew, specifying how many are engaged as sailors;

(c.) The time at which each seaman is to be on board to commence work;

(d.) The capacity in which each seaman is to serve;

(e.) The amount of wages which each seaman is to receive;

(f.) A scale of the provisions which are to be furnished to each seaman;

(g.) Any regulations as to conduct on board, and the amount of short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade, and regulations proper to be adopted, and which the parties to the agreement adopt.

(8.) The agreement with the crew shall be so framed as to contain of such stipulations, to be adopted at the will of the parties, and of each seaman in each case, whether respecting the advance of wages or otherwise, as are not contrary to law.

(4.) If the master of a ship registered at a port in the United Kingdom has an agreement with the crew made in accordance with the law of that port or of the port in which the crew were engaged, and engages single seamen in the United Kingdom, those seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form required by the Board of Trade.

115. The following provisions shall have effect with reference to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom:—

(1.) The agreement shall (subject to the provisions as to substitutes) be signed by each seaman in the presence of the Superintendent;

(2.) The Superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain

seaman understands the same before he signs it, and shall attest each signature;

(3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship;

(4.) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a Superintendent, and when not practicable the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature;

(5.) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as "running agreements;"

(6.) Running agreements shall not extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival;

(7.) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an indorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such indorsement, he shall for each offence be liable to a fine not exceeding 20*l.*;

(8.) The master shall deliver the running agreement so indorsed to the Superintendent, and the Superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the indorsement and return the agreement to the master;

(9.) The duplicate running agreement retained by the Superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the Superintendent until the expiration of the agreement, as the Board of Trade direct.

116. The following provisions shall have effect with the agreements with the crew of home trade ships for which an agreement with the crew is required under this Act:—

(1.) Agreements may be made either for service in one ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and of the service shall be specified in the agreement;

(2.) Crews or single seamen may, if the master has been engaged before a Superintendent in the same manner as is required to be engaged for foreign-going ships, but if no agreement is not so made, the master shall, before the ship is engaged, if practicable, and if not, as soon after as possible, cause an agreement to be read and explained to each seaman, and the seaman thereupon sign the same in the presence of a witness, and the witness shall attest the signature;

(3.) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of the master; and the provisions of this Act with respect to agreements shall of the agreement shall apply accordingly;

(4.) Agreements shall not, in the case of ships of less than 80 tons burden, extend beyond the next following 30th or 31st day of December, or the first arrival of the ship at the port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival: Provided that the owner or his agent may enter into time agreements in accordance with the provisions of the Act as to time agreements mentioned by the Board of Trade with individual seamen in any one or more ships belonging to such owner, and such agreements need not expire on the 30th day of June or the 31st day of December, and a duplicate of every such agreement shall be forwarded to the Registrar-General of Shipping and Seamen within forty-eight hours after it has been entered into.

117.—(1.) The master of every foreign-going ship which has been engaged before a Superintendent shall, before leaving the United Kingdom, sign, and send to the Superintendent, a full and accurate statement, in a form approved by the Board of Trade, of every change which takes place in the crew before finally leaving the United Kingdom, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l*.

118.—(1.) In the case of a foreign-going ship, the master shall, before the execution of an agreement with the crew in accordance with the provisions of this Act, and also where the agreement is a running agreement, cause compliance by the master, before the second and every

voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the Superintendent shall grant the master of the ship a certificate to that effect.

(2.) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of Customs that certificate, and any such ship may be detained until the certificate is produced.

(8.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the Superintendent, and the Superintendent shall give the master a certificate of that delivery; and an officer of Customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding 5*l*.

119.—(1.) The master or owner of a home trade ship of more than 80 tons burden shall within twenty-one days after the 30th day of June and the 31st day of December in every year deliver or transmit to a Superintendent in the United Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively.

(2.) The Superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of Customs.

(8.) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l*.

120.—(1.) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew (omitting the signatures), to be posted up in some part of the ship which is accessible to the crew.

(2.) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l*.

121. If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanour, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanour.

122. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of

shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the ship, or interlineation, or alteration, by the written attestation (in the case of Majesty's dominions) of some Superintendent, Justice, or other public functionary, or elsewhere, of a Consul, or Consular officer, or, where there is no such officer, of two British merchants.

123. In any legal or other proceeding a seaman shall be bound to forward evidence to prove the contents of any agreement entered into by the crew or otherwise to support his case, without producing notice to produce, the agreement or any copy thereof.

124.—(1.) With respect to the engagement of seamen the following provisions shall have effect:—

Where the master of a ship engages a seaman in a port of call in possession other than that in which the ship is registered, or in a port in which there is a British Consular officer, the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply, subject to the following modification:

(a.) In any such British possession the master shall engage a seaman before some officer, being either a Superintendent, or, if there is no such Superintendent, an officer of Customs;

(b.) At any such port having a British Consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the Consular officer, and shall engage the seaman before the Consular officer;

(c.) The officer shall indorse upon the agreement an endorsement to the effect that the agreement has been signed in his presence, and otherwise made as required by this Act, and also, if the officer is a British Consular officer, that it has his sanction, and that the attestation is not made the burden of proving that the agreement was made as required by this Act shall lie upon the master.

(2.) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding 5*l.*

Agreements with Lascars.

125.—(1.) The master or owner of any ship, or his agent, shall not enter into an agreement with a lascar, or any native of any country, binding him to proceed either as a seaman or as a passenger, unless

(a.) To any port in the United Kingdom, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in the United Kingdom, India; or

(b.) To any port in the Australian Colonies, and there to

into a further engagement to serve as a seaman in any ship which may happen to be there, and to be bound to the United Kingdom or to any other part of Her Majesty's dominions.

(2.) The original agreement shall be made in such form, and contain such provisions, and be executed in such manner, and contain such conditions for securing the return of the lascar or native to his own country and for other purposes, as the Governor-General of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct.

(3.) Where any lascar or native bound by the original agreement is, on arriving in the United Kingdom or one of the said Colonies, as the case may be, required to enter into such further agreement as aforesaid, some officer appointed for the purpose in the United Kingdom by a Secretary of State in Council of India, or in any such Colony by the Governor of the Colony, may, on the payment of such fee not exceeding 10s., as a Secretary of State in Council of India or the Governor may direct, certify—

(a.) That the further agreement is a proper agreement in all respects for the lascar or native to make and is in accordance with the original agreement; and

(b.) That the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in, and also, where the ship is in one of the said Australian Colonies, that it is properly supplied with provisions; and

(c.) That there is not, in his opinion, any objection to the full performance of the original agreement;

And thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates, and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same.

(4.) The master of every ship arriving at a port in the United Kingdom which has, or during any part of her voyage has had, on board a lascar or any native of India, either as one of her crew or otherwise, shall exhibit to the officer of Customs, or to such person as the Board of Trade may authorize in that behalf, a statement containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding 10*l.* for

every lascar or native of India in respect of whom the place.

(5.) Nothing in this section shall affect any provisions which are unrepealed of the Act of the fourth year of the reign of George IV, chapter 80, intituled "An Act to consolidate the several laws now in force with respect to trade within the charter of the East India Company, and to make provision with respect to such trade."*

Rating of Seamen.

126.—(1.) A seaman shall not be entitled to the "A.B.," that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the service of fishermen in decked fishing-vessels registered under Part of this Act shall only count as sea service up to three years of that employment; and the rating of "A.B." shall only be granted after at least one year's sea service in a vessel in addition to three or more years' sea service in decked fishing-vessels so registered.

(2.) The service may be proved by certificates of discharge or certificate of service from the Registrar-General of Shipping and Seamen (granted by the Registrar on payment of a fee not exceeding 6d.), specifying in each case whether the service was rendered in whole or in part in steam-ship or in sailing-ship or other satisfactory proof.

Discharge of Seamen.

127.—(1.) When a seaman serving in a British ship, whether registered within or without the United Kingdom, on the termination of his engagement discharged in accordance with the agreement with the master of the ship, whether the agreement for the voyage or a running agreement, be discharged in the manner provided by this Act in the presence of a Superior Officer, he shall, whether the agreement with the master was for the voyage or a running agreement, be discharged in the manner provided by this Act in the presence of a Superior Officer.

(2.) If the master or owner of a ship acts in contravention of this section, he shall for each offence be liable to a fine not exceeding 10l.

(3.) If the master or owner of a home trade ship so discharges any seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

128.—(1.) The master shall sign and give to a seaman on his discharge from his ship, either on his discharge or on payment of a certificate of his discharge in a form approved by the

* See "Hartalet's Treaties," Vol. 7, page 659.

Trade, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall for each offence be liable to a fine not exceeding 10*l*.

(2.) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding 20*l*.

129.—(1.) Where a seaman is discharged before a Superintendent, the master shall make and sign, in a form approved by the Board of Trade, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the Superintendent before whom the discharge is made shall, if the seaman desires, give to him or indorse on his certificate of discharge a copy of such report (in this Act referred to as the "report of character").

(2.) The Superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen, or to such other person as the Board of Trade may direct, to be recorded.

130. If any person—

(a.) Makes a false report of character under this Act, knowing the same to be false; or

(b.) Forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or

(c.) Assists in committing, or procures to be committed, any of such offences as aforesaid; or

(d.) Fraudulently uses any certificate of discharge, or report of character, or copy of a report of character which is forged or altered or does not belong to him;

He shall in respect of each offence be guilty of a misdemeanour.

Payment of Wages.

131.—(1.) Where a seaman is discharged before a Superintendent in the United Kingdom, he shall receive his wages through or in the presence of the Superintendent, unless a competent Court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding 10*l*.

(2.) If the master or owner of a home trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

132.—(1.) The master of every ship shall, before paying off or discharging a seaman, deliver at the time and in the manner

provided by this Act a full and true account, in a form to be made therefrom on any account whatever.

(2.) The said account shall be delivered—

(a.) Where the seaman is not to be discharged before his discharge or payment off; and

(b.) Where the seaman is to be discharged before his discharge or payment off, either to the seaman himself at or before the time of leaving the ship, or to the Superintendent not less than 24 hours before the discharge or payment off.

(3.) If the master of a ship fails without reasonable excuse to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l*.

133.—(1.) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered to the Superintendent of the last preceding section, except in respect of a matter arising after the delivery.

(2.) The master shall during the voyage enter a book of accounts in respect of which the deductions are made, and shall keep amounts of the respective deductions, as they occur, in a separate account kept for that purpose, and shall, if required, produce the same at the time of the payment of wages, and also upon the hearing of any competent authority of any complaint or question relating to that payment.

134. In the case of foreign-going ships (other than those employed on voyages for which seamen by the terms of the agreement are wholly compensated by a share of the profit of the adventure)—

(a.) The owner or master of the ship shall pay to the seaman, on account, at the time when he lawfully leaves the ship, one-half, or one-fourth, or one-sixth, or one-eighth, or one-tenth, or one-twelfth, or one-fourteenth, or one-sixteenth, or one-eighteenth, or one-twentieth, or one-fourtieth, or one-fiftieth, or one-sixtieth, or one-seventieth, or one-eightieth, or one-ninetieth, or one-hundredth, or one-hundredth part, or such other fraction of the balance due to him, whichever is least; and shall pay him the balance of his wages within two clear days (exclusive of any Sunday or Bank Holiday in Scotland, or Bank Holiday) after he so leaves the ship.

(b.) If the seaman consents, the final settlement of his wages may be left to a Superintendent under regulations of the Board of Trade, and the receipt of the Superintendent shall operate as if it were a release given by the seaman in accordance with this Part of this Act;

(c.) In the event of the seaman's wages, or any part thereof, not being paid or settled as in this section mentioned, the delay is due to the act or default of the seaman, or to any dispute as to liability, or to any other cause not being the act or default of the owner or master, the seaman's

continue to run and be payable until the time of the final settlement thereof.

135.—(1.) The master or owner of every home trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2.) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days' double pay.

(3.) Any sum payable under this section may be recovered as wages.

136.—(1.) Where a seaman is discharged, and the settlement of his wages completed, before a Superintendent, he shall sign in the presence of the Superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the Superintendent.

(2.) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3.) The release shall be retained by the Superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.

(4.) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a Superintendent, no payment, receipt, or settlement made otherwise than in accordance with this Act shall operate as, or be admitted as, evidence of the release or satisfaction of any claim.

(5.) Upon any payment being made by a master before a Superintendent, the Superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

137.—(1.) Where in the case of a foreign-going ship a question as to wages is raised before a Superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed 5*l.*, the Superintendent may, on the application of either party, adjudicate, and the decision of the Superintendent in the matter shall be final; but if the Superintendent is of opinion that the question is one which ought to be decided by a Court of law, he may refuse to decide it.

(2.) Where any question, of whatever nature and whatever the

amount in dispute, between a master or owner and any person, is raised before a Superintendent, and both parties agree to submit the same to him, the Superintendent shall decide the question so submitted; and an award made by the Superintendent on the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp or seal, and any document purporting to be the submission or award shall be received as evidence thereof.

138.—(1.) In any proceeding under this Act before a Superintendent relating to the wages, claims, or discharge of a seaman, the Superintendent may require the owner, or his master, or any mate, or other member of the crew, to produce any log-books, papers, or other documents in his possession relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, or any other persons, at or near the place, on the matter.

(2.) If any person so required fails, without reasonable excuse, to comply with the requisition, he shall for each offence be liable to a fine not exceeding 5*l*.

139. Where a seaman has agreed with the master of a ship for payment of his wages in British sterling coin, or money, any payment of, or on account of, his wages, if made in any other currency than that stated in the agreement, shall not standing anything in the agreement, be made at a rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

140.—(1.) (a.) Where an agreement with the crew of a ship for payment of wages is to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of any seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(b.) Stipulations for the allotment of a seaman's wages shall be made in accordance with this Act.

(2.) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any part of the United Kingdom shall be void, and any money paid in pursuance of or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of money so paid or purporting to have been so paid.

141.—(1.) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

(2.) Where the agreement is required to be made in a form approved by the Board of Trade, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one half) of his wages in favour either of a near relative or of a savings bank.

(3.) Allotment notes shall be in a form approved by the Board of Trade.

(4.) For the purposes of the provisions of this Act with respect to allotment notes—

(a.) The expression “near relative” means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman.

(b.) The expression “savings bank” means a seaman’s savings bank under this Act, or a trustee savings bank, or a Post Office savings bank.

142.—(1.) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by Regulations of the Board of Trade.

(2.) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made, through a Superintendent or the Board of Trade, by the seaman himself, or, in case of his death, by some person to whom his property, if under 100*l.* in value, may be paid under this Act.

143.—(1.) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in his Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorized the allotment, in the same Court and manner in which wages of seamen not exceeding 50*l.* may be recovered under this Act: provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

(2.) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or any other authorized agent; and the seaman shall be presumed

to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court, either—

(a.) By the official statement of the change in the wages by his absence, made and signed by the master, as by law required; or

(b.) By a certified copy of some entry in the official logbook to the effect that he has left the ship; or

(c.) By a credible letter from the master of the ship to the effect; or

(d.) By such other evidence as the Court in its discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the wages are to be paid.

144. A payment under an allotment note shall be made at the expiration of one month, or, if the allotment is in a savings bank, of three months, from the date of the payment with the crew, or at such later date as may be agreed by the agreement, and shall be paid at the expiration of every month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the payment.

Seamen's Money Orders and Savings Banks

145.—(1.) Facilities shall be given for remitting to the relatives or other persons by means of seamen's money orders issued by Superintendents in accordance with this Act.

(2.) The Board of Trade may make regulations as to the issue of seamen's money orders, and in particular may specify the time and mode of payment, and the person to whom the same are to be paid; and all such regulations made in force, shall be binding upon all persons interested or who may be interested in the orders as well as upon the officers of the Board of Trade issuing or paying the same.

146. The Board of Trade may, if they think fit, require the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to his personal representative, or any legatee, or next-of-kin, or other person, notwithstanding that the order may not be in his name, and, from and after the payment, the Board of Trade, the Superintendent and officer of the Board of Trade shall be discharged of all liability in respect of the money order.

147. If any Superintendent or officer grants or issues a money order with a fraudulent intent he shall be guilty of an offence.

and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

148.—(1.) The Board of Trade may maintain a central seamen's savings bank in London, and may establish and maintain branch seamen's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy, merchant service, or other sea service) or the wives, widows, and children of such seamen, so that the aggregate amount of deposits standing at any one time in the name of any one depositor do not exceed 200*l*.

(2.) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any Superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

(3.) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act.

149.—(1.) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.

(2.) The Commissioners shall invest money so received in the like manner as money received from trustee savings banks, and shall pay to the account of the Board of Trade interest on the money while in their hands, at the same rate as on the money received from trustee savings banks.

150. All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act, and the provisions of this Act respecting that property shall apply accordingly.

151. The Board of Trade may, out of the interest received by them from the National Debt Commissioners under this Act, pay any expenses incurred by them in relation to seamen's savings banks.

152. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under

this Act, and of the interest thereon, and a copy of all regulations made by the Board of Trade with respect to seamen's savings banks, shall be laid before both Houses of Parliament.

153. Legal proceedings shall not be instituted against the Board of Trade, or against any Superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

154. If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon—

(a.) Forges or fraudulently alters, assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest; or

(b.) Makes use of any document which has been so forged or fraudulently altered as aforesaid; or

(c.) Gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(d.) Makes, assists in making, or procures to be made, any false representation, knowing the same to be false; or

(e.) Assists in procuring any false evidence or representation to be given or made, knowing the same to be false;

That person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

Rights of Seamen in respect of Wages.

155. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work in his presence on board, whichever first happens.

156.—(1.) A seaman shall not by any agreement forfeit his wages on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may

the nature of salvage; and every stipulation inconsistent with any provision of this Act shall be

in this section shall apply to a stipulation made by or on behalf of any ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the wages to be paid to them for salvage services to be performed by the ship to any other ship.

The right to wages shall not depend on the earning of freight by any seaman and apprentice who would be entitled to wages, if the ship in which he has been employed, subject to all other rules of law applicable to the case, be entitled to demand and recover the same notwithstanding that freight has not been earned; and in case of wreck or loss of the ship, proof that the seaman himself to the utmost to save the ship, cargo, and crew, shall entitle him to claim wages.

A seaman or apprentice who would, but for death, be entitled by this section to demand and recover any wages, if wages are paid, they shall be paid and applied in accordance with any provision of this Act with respect to the wages of a seaman on a voyage.

If the service of a seaman terminates before the date of the agreement, by reason of the wreck or loss of the ship, or by being left on shore at any place abroad under circumstances as provided by this Act of his unfitness or incapacity on the voyage, he shall be entitled to wages up to the date of termination, but not for any longer period.

A seaman or apprentice shall not be entitled to wages for any period in which he unlawfully refuses or neglects to work, whether before or after the time fixed by the agreement for the commencement of such work, nor, unless the court otherwise directs, for any period during which he is imprisoned for any offence committed by him.

If a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by wilful act or default, he shall not be entitled to wages for any time during which he is by reason of the illness incapable of performing his duty.

In any proceeding relating to seamen's wages, if a seaman or apprentice has in the course of the proceedings been convicted of an offence by a competent Tribunal, and if the court for that offence by imprisonment or otherwise, directs that any part of the wages due to him shall be applied in reimbursing any

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costs properly incurred by the master in procuring trial and punishment.

162. If a seaman, having signed an agreement, otherwise than in accordance with the terms thereof, at the commencement of the voyage, or before one month's wages earned, without fault on his part justifying that discharge without his consent, he shall be entitled to receive from the owner, in addition to any wages he may have earned, compensation for the damage caused to him by the discharge of one month's wages, and may recover that compensation of the wages duly earned.

163.—(1.) As respects wages due or accruing to an apprentice to the sea service—

(a.) They shall not be subject to attachment or arrest in any Court ;

(b.) An assignment or sale thereof made prior to the discharge thereof shall not bind the person making the same ;

(c.) A power of attorney or authority for the receipt of the same shall not be irrevocable ; and

(d.) A payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrest of the same.

(2.) Nothing in this section shall affect the provisions of the Act with respect to allotment notes.

Mode of Recovering Wages.

164. A seaman or apprentice to the sea service, or a person authorized on his behalf, may as soon as any wages due to him exceeding 50*l.*, become payable, sue for the same before a Court of Summary Jurisdiction in or near the place at which he was employed, terminated, or at which he has been discharged, or at which he was employed on whom the claim is made is or resides, and the decision of the Court in the matter shall be final.

165. A proceeding for the recovery of wages not exceeding 50*l.* shall not be instituted by or on behalf of an apprentice to the sea service in any superior Court in Her Majesty's dominions, nor as an Admiralty proceeding in any Court having Admiralty jurisdiction in those dominions.

(i.) Where the owner of the ship is adjudged bankrupt ;

(ii.) Where the ship is under arrest or is sold by the Court in any such Court as aforesaid ; or

(iii.) Where a Court of Summary Jurisdiction, acting in pursuance of the authority of this Act, refers the claim to any such Court ;

(iv.) Where neither the owner nor the master of the ship is liable.

resides within 20 miles of the place where the seaman or apprentice is discharged or put ashore.

166.—(1.) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not be entitled to sue in any Court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master as to warrant reasonable apprehension of danger to his life if he were to remain on board.

(2.) If a seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover, in addition to his wages, such compensation not exceeding 20*l.* as the Court hearing the case thinks reasonable.

167.—(1.) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

(2.) The master of a ship, and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3.) If in any Admiralty proceeding in any Court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements or liabilities as aforesaid, any right of set-off or counter-claim is set up, the Court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Power of Courts to rescind Contracts.

168. Where a proceeding is instituted in or before any Court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the Court, if, having regard to all the circumstances of the case, they think it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the Court may think just, and his power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of Deceased Seamen.

169.—(1.) If any seaman or apprentice to the sea long to a British ship the voyage of which is to terminate in the United Kingdom, whether a foreign-going or a home-trade ship, during that voyage, the master of the ship shall take care to deliver the money or effects belonging to the seaman or apprentice on board the ship.

(2.) The master may, if he think fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3.) The master shall enter in the official log-book the particulars :—

(a.) A statement of the amount of the money and value of the effects ;

(b.) In case of a sale, a description of each article sold and the sum received for each ;

(c.) A statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from that sum.

(4.) The entry shall be signed by the master, and by the mate and some other member of the crew.

(5.) The said money, effects, proceeds of sale of effects, and balance of wages are in this Act referred to as the property of the seaman or apprentice.

170.—(1.) Where a seaman or apprentice dies as aforesaid on board the ship before coming to a port in the United Kingdom, and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British Consular officer at that port, or if the port is in a British possession, to the Collector of Customs there, and shall give to the officer any information which he requires as to the destination of the ship and probable length of the voyage.

(2.) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand and seal the agreement with the crew such particulars with respect to the property the Board of Trade require.

(3.) The receipt shall be produced by the master to a British Consul or Consul-General within forty-eight hours after his arrival at his port of destination in the United Kingdom.

(4.) Where a seaman or apprentice dies as aforesaid on board the ship, and proceeds at once to a port in the United Kingdom without stopping at any other port, and remaining as aforesaid at a port elsewhere, or if the Consul or Consul-General does not require the delivery of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in

Kingdom, deliver and pay the property to the Superintendent at that port,

(5.) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the Superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.

(6.) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book, made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the Superintendent or officer to whom the account is given.

(7.) A Superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of Customs shall not clear inwards a foreign-going ship without the production of that certificate.

171.—(1.) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly, and shall, in addition, for each offence be liable to a fine not exceeding treble the value of the property not accounted for, or if such value is not ascertained, not exceeding 50*l*.

(2.) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall, in addition to his liability for the same, be liable to a fine not exceeding treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding 50*l*.

(3.) The property may be recovered in the same Court and manner in which the wages of seamen may be recovered under this Act.

172. If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which he belonged at the time of his death, or to which he last

belonged before his death, the chief officer of Customs, of a British possession, and in other cases the British officer at or near the place, shall claim and take charge of the money and effects, and such money and effects shall be deemed the property of a deceased seaman or apprentice within the meaning of this Part of this Act.

173.—(1.) A chief officer of Customs in a British possession or a British Consular officer may, as he thinks fit, sell the property of a deceased seaman or apprentice delivered to him, which he takes charge under this Act, and the proceeds of the sale shall be deemed to form part of the said property.

(2.) Every such officer shall quarterly, or at such times as the Board of Trade require, remit the property in such cases to the Board, and shall render such accounts in respect thereof as the Board may require.

174.—(1.) Where a seaman or apprentice is lost or missing from the ship to which he belongs, the Board of Trade may recover the wages due to him from the owner of the ship, in the same Court and in the same manner in which seamen's wages are recoverable, and may deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

(2.) In any proceeding for the recovery of the wages due to a seaman or apprentice shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the date of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after her departure, be deemed to have been lost with all hands, and the time either immediately after the time she was last heard of or any later time as the Court hearing the case may think proper.

(3.) Any duplicate agreement or list of the crew or other statement of a change of the crew delivered under this Act, or a certificate purporting to be a certificate from a Consular or other public officer at any port out of the United Kingdom, in which certain seamen and apprentices were shipped in the ship at the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen, or of the Board of Trade, in the absence of proof to the contrary, sufficient to prove that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

175. If a seaman or apprentice to the sea service of the United Kingdom, and is at the time of his death entitled to wages from the master or owner of a ship in which he has been employed, effects or unpaid wages, the master or owner shall pay

or account for such property to the Superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct.

176.—(1.) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows:—

(a.) If the property exceeds in value 100*l.*, they shall pay and deliver the residue to the legal personal representative of the deceased;

(b.) If the property do not exceed in value 100*l.*, the Board may, as they think fit, either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any Statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(c.) They may, if they think fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2.) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

177.—(1.) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above-mentioned residue—

(a.) If the will was made on board ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship; and

(b.) If the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a Superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a Justice, British Consular officer, or an officer of Customs.

(2.) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will, the residue shall be dealt with as if no will had been made.

178.—(1.) A creditor shall not be entitled to claim from the

Board of Trade the property of a deceased seaman or any part thereof, by virtue of representation creditor.

(2.) A creditor shall not be entitled by any means obtain payment of his debt out of the property, if the more than three years before the death of the deceased demand is not made within two years after the death.

(3.) The demand shall be made by the creditor deliver to the Board of Trade an account in writing in a form approved by the Board, stating the particulars of his demand and the place of abode, and signed by him and verified by a statutory declaration.

(4.) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, that person shall give notice to the creditor of the allowance of the claim.

(5.) If no claim has been allowed, the Board of Trade may investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, and papers relating thereto; and if by means of them the Board of Trade is satisfied of the justice of the demand, the whole or in part, the same shall be allowed and paid to the creditor so far as the property then in the hands of the Board of Trade extends for that purpose, and the Board of Trade shall be discharged from all further liability in respect of money so paid; but if the Board are not satisfied as to the claim, or if the creditor's accounts, vouchers, or papers as aforesaid are not produced, or sufficient reason is not given for their non-production, the claim shall be disallowed.

(6.) In any case whatever the Board of Trade may require investigation of any demand made by a creditor for payment of his debt for one year from the time of the first demand; and if in the course of that time a claim to the property of the deceased is made by any person as widow, next-of-kin, or legatee, and allowed by the Board of Trade under the provisions of this Act, the Board of Trade may pay and deliver the same to that person.

(7.) Where the property has been paid and delivered to the Board of Trade to any person as a widow, next-of-kin, or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights against that person as if he had received the property, and the person shall be the personal representative of the deceased.

179. Where no claim to the property of a deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof the Board may in its discretion, if any subsequent claim is made, either allow or disallow the claim, and, subject to the allowance of any such

apply such property in manner provided by Part XII of this Act (relating to the Mercantile Marine Fund).

180. If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service—

(a.) Forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to such property ; or

(b.) Makes use of any document which has been so forged or fraudulently altered as aforesaid ; or

(c.) Gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false ; or

(d.) Makes or assists in making, or procures to be made, any false representation, knowing the same to be false ; or

(e.) Assists in procuring any false evidence or representation to be given or made, knowing the same to be false ;

That person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years, with or without hard labour, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

181. Where a seaman invalidated or discharged from any of Her Majesty's ships is sent home in a merchant-ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and disposed of in such manner as the Accountant-General of Her Majesty's navy directs.

Reimbursement of Relief to Seamen's Families.

182.—(1.) Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, so that the sums do not exceed the following proportion of his wages, that is to say :—

(a.) If only one of those members is chargeable, one-half of the wages ;

(b.) If two or more of those members are chargeable, two-thirds of the wages.

(2.) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member

as aforesaid, under an allotment note made by the seaman of the member, any claim for reimbursement as aforesaid limited to the excess (if any) of the proportion of the wages before mentioned over the sums so paid.

183.—(1.) For the purpose of obtaining such reimbursement aforesaid, the Board of Guardians in a Poor Law Union or Ireland, and the Inspector of the Poor in any parish, may give to the owner of the ship in which the seaman has been employed, notice in writing stating the proportion of the seaman's wages which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period of time mentioned, not exceeding twenty-one days from the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice thereof to the Board or Inspector.

(2.) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the same to the Board or Inspector accordingly, and shall likewise give to the seaman a receipt for the intended claim.

(3.) The Board or Inspector may, upon the seaman's application, apply to a Court of Summary Jurisdiction having jurisdiction in the union or parish for an order for reimbursement; and the Court may make a summary order for the reimbursement of the extent claimed, or to such lesser amount as the Court, having regard to the circumstances, think fit; and the owner shall pay to the Board or Inspector out of the seaman's wages the amount so ordered, and shall pay by way of reimbursement, and shall pay the remainder of the wages to the seaman.

(4.) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately after the expiration of that period and without deduction be paid to the seaman.

Destitute Seamen.

184.—(1.) If any person being a native of any country or of Africa, or of any island in the South Sea or the Indian Ocean, or of any other country not having a Consular officer in the United Kingdom, is brought to the United Kingdom, in a ship, or foreign, as a seaman, and is left in the United Kingdom within six months of his being so left becomes chargeable with the Poor Rate, or commits any act by reason whereof he may be convicted as an idle and disorderly person, or as a vagrant, the master or owner of the ship, or in case of a charter-party the person who is consignee of the ship at the

seaman being so left as aforesaid, shall be liable to a fine not exceeding 80*l.*, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee has afforded him due means of returning to his native country, or to the country in which he was shipped.

(2.) The Court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left.

185.—(1.) It shall be the duty of the Secretary of State in Council of India to take charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom.

(2.) If any such destitute person is relieved and maintained by a Board of Guardians in a Poor Law Union in England or Ireland, or by the Inspector of the Poor in any parish in Scotland, the Board or Inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars, namely:—

(a.) The name of the person relieved or maintained; and
 (b.) The part of India of which he professes to be a native; and
 (c.) The name of the ship in which he was brought to the United Kingdom; and

(d.) The port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival.

(3.) The Secretary of State in Council of India shall repay to the Board of Guardians or Inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom.

(4.) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them.

Leaving Seamen abroad.

186.—(1.) In the following cases, namely:—

(a.) Where a British ship is transferred or disposed of at any

port out of Her Majesty's dominions, and a seaman belonging thereto does not in the presence of some consular officer, or, if there is no such officer there, in the presence of one or more respectable British merchants residing at the port, not interested in the ship, signify his consent in writing to complete the voyage if continued; and

(b.) Where the service of any seaman or apprentice on board any British ship terminates at any port out of Her Majesty's dominions;

The master shall give to that seaman or apprentice a certificate of discharge in a form approved by the Board of Trade, and in case of any certificated officer whose certificate he has, return such certificate to him.

(2.) The master shall also, besides paying the wages due to the seaman or apprentice is entitled, either—

(a.) Provide him with adequate employment on board any other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to a port in any foreign Kingdom agreed to by the seaman; or

(b.) Furnish the means of sending him back to his home port; or

(c.) Provide him with a passage home; or

(d.) Deposit with the Consular officer or merchant at the port such a sum of money as is by the officer or merchant deemed sufficient to defray the expenses of his maintenance and passage home.

(3.) The Consular officer or merchants shall enter into an agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or other thing done under this section.

(4.) If the master fails, without reasonable cause, to comply with any requirement of this section, the expenses of the seaman or passage home—

(a.) If defrayed by the seaman or apprentice shall be recoverable as wages due to him; and

(b.) If defrayed by the Consular officer or by any other person shall (unless the seaman or apprentice has been guilty of any offence) be a charge upon the ship to which the seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against the owner, with costs, at the suit of the Consular officer or other person defraying the expenses, and they have been allowed to him out of public money, and out of the Crown, either by ordinary process of law, or in the manner in which wages can be recovered under this Act.

187. The master of, or any other person belonging,

wrongfully force on shore and leave behind, or otherwise wrongfully leave behind in any place on shore or after Majesty's dominions, a seaman or apprentice before the completion of the voyage for which he was engaged, and on the return of the ship to the United Kingdom, and shall in respect of each offence be guilty of a mis-

The master of a British ship shall not discharge a seaman from the sea service abroad, or leave him behind at sea, unless he previously obtains, enforced on behalf of the crew, the sanction, or in the case of leaving the ship—

—in a British possession of a Superintendent (or in the absence of any such Superintendent of the chief officer of the ship or the place); and

—elsewhere of the British Consular officer for the place, or, if there is only one merchant seaman, of the merchant.

Where this section shall require such sanction where the seaman was in the British possession where the seaman was

—the Consular officer shall state in writing the fact and cause of the offence, whether the cause be unfitness or inability to serve, desertion, or disappearance.

On to whom an application is made for a sanction under this section may, and, if not a merchant, shall, state the grounds on which a seaman or apprentice is to be left abroad, and for that purpose may, if he thinks fit, examine the seaman or apprentice, and may grant or refuse the sanction or certificate, as he thinks just.

If the master acts in contravention of this section, he shall be deemed to be guilty of a misdemeanour, and in any legal proceeding for the offence it shall be incumbent on the master to prove that the sanction or certificate was not obtained.

Where a master of a British ship leaves a seaman or apprentice on shore abroad, whether within or without Her Majesty's dominions, on the ground of his unfitness or inability to serve, he shall deliver to the person signing the certificate mentioned a full and true account of the wages due to the seaman or apprentice, and if the said person is a Consular officer, he shall deliver the account in duplicate.

If the master fails without reasonable cause to deliver the account, or if he delivers a false account, he shall for each offence be liable to a fine not exceeding 100*l.*, and if he delivers a false account he shall for each offence be liable

to a fine not exceeding 20*l.*, in addition in each case of the wages.

(3.) The master shall pay the amount of wages due to the seaman or apprentice so left abroad as aforesaid, if he is left in possession, to the seaman or apprentice himself, and if not, to the British Consular officer.

(4.) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bill drawn on the ship, but, if payment is made by bill—

(a.) The person signing the certificate shall certify on the bill that the same is drawn for seamen or apprentices, shall also endorse on the agreement with the crew to which the bill is drawn, and such further particulars as the Trade require;

(b.) If the bill is drawn by the master, the owner shall be liable to pay the amount to the holder of the bill; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master has drawn it;

(c.) A bill purporting to be drawn and endorsed in accordance with this section shall, if produced out of the custody of the master or of the Registrar-General of Shipping and Seamen, or of the Superintendent, be admissible in evidence; and any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the bill.

(5.) If a master fails, without reasonable cause, to make payment of wages as provided by this section, he shall be liable, in addition to the payment of the wages due, to a fine not exceeding 10*l.*

(6.) Where payment is made to a British Consular officer shall, if satisfied with the account, endorse on the bill duplicates thereof a receipt for the payment, and return the bill to the master, and the master shall deliver the duplicate within 24 hours of his return to his port of destination in the United Kingdom to the Superintendent at that port.

(7.) The British Consular officer shall retain the bill, and the sum of the account, and shall deal with the sum so paid in the following manner, namely:—

(a.) If the seaman or apprentice subsequently dies, or is sent to a hospital at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred in respect of the maintenance of the seaman or apprentice while he was in the port, except such as the owner or master is by this Act directed to defray, and shall pay the remainder to the seaman or apprentice.

account of the sums so received and expended on
 man or apprentice dies before the ship quits the
 with the sum as part of the property of a deceased
 man or apprentice is sent home at the public
 Act, he shall account for the sum to the Board of
 m, after deducting any expenses duly incurred in
 man or apprentice, except such expenses as the
 the ship is required by this Act to pay, shall be
 of the seaman or apprentice.

Distressed Seamen.

of Trade may make regulations with respect
 tenance, and sending home of seamen and
 in distress abroad, and may by those regulations
 ed to as "the distressed seamen regulations")
 ns as they think fit with regard to that relief,
 ending home, and a seaman shall not have any
 d, maintained, or sent home except in the cases
 and on the conditions provided by those Regula-

following authorities, that is to say, (Governors of
 British Consular officers, and other officers of
 eign countries, shall, and, in places where there
 , any two resident British merchants, or if there
 merchant so resident, that merchant, may, in
 d on the conditions prescribed by the distressed
 , provide for the maintenance, until a passage
 ured, of the following seamen and apprentices
 ct included in the term "distressed seamen").

d apprentices to the sea service, whether subjects
 not, who by reason of having been discharged
 oad or shipwrecked from any British ship, or
 ty's ships, are in distress in any place abroad;

d apprentices to the sea service, being subjects of
 have been engaged by any person acting either as
 o serve in a ship belonging to the Government or
 en of a foreign country, and are in distress in any

urpose of providing a distressed seaman with a
 authority shall put him on board a British ship

bound either to the United Kingdom or to the British which the seaman belongs (as the case requires) which men to make up its complement; or if there is no the authority shall provide the seaman with a passage as possible in any ship, British or foreign, bound as a

(3.) The authority shall endorse on the agreement of the ship, if a British ship, on board of which a dis is placed the name of every person so placed on b particulars directed by the distressed seamen reg endorsed.

(4.) The authority shall be paid in respect of the maintenance and conveyance of distressed seamen the Board of Trade may allow, and those sums shall, tion of the bills of disbursements, with the proper vo as hereinafter provided.

192.—(1.) The master of every British ship so bou shall receive on board his ship, and afford a passage an to all distressed seamen whom he is required und take on board his ship, not exceeding one for every 5 and shall during the passage provide every such dist with a proper berth or sleeping place, effectually protec and weather.

(2.) On the production of a certificate, signed by by whose directions any such distressed seaman wa board, specifying the number and names of the dist and the time when each of them was received on b declaration made by the master before a Justice of verified by the Registrar-General of Shipping and S the number of days during which each distresse received maintenance, and stating the full compleme and the actual number of seamen and apprentices board his ship, and every variation in that num distressed seaman received maintenance, the ma entitled to be paid in respect of the maintenance a every seaman or apprentice so conveyed, maintained, for by him, exceeding the number (if any) wanted to complement of his crew, such sum per diem as the B allow.

(3.) If any master of a British ship fails witho cause to comply with this section in the case of a apprentice, he shall for each offence be liable to a fine 100*l*.

193.—(1.) Where any expenses on account of any s seaman or apprentice as follows, namely:—

(a.) Any seaman or apprentice belonging to a Br

has been discharged or left behind abroad, without full compliance on the part of the master with the provisions in that behalf in this Act contained ;

(b.) A subject of Her Majesty who has been engaged to serve in a ship belonging to the Government or to a subject or citizen of a foreign country ;

Either for his maintenance, necessary clothing, conveyance home, or, in case of death, for his burial, or otherwise in accordance with this Act, are incurred by or on behalf of the Crown, or are incurred by the Government of a foreign country, and repaid to that Government by or on behalf of the Crown, those expenses, together with the wages, if any, due to the seaman or apprentice, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman or apprentice belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman or apprentice for service in the ship.

(2.) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade on behalf of the Crown either by ordinary process of law, or in the Court and manner in which wages may be recovered by seamen.

(3.) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be sufficient evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.

194. All expenses paid under this Act by or on behalf of the Crown for the relief of distressed seamen shall be paid out of the Mercantile Marine Fund, and all sums received or recovered towards those expenses shall be carried to that fund.

Volunteering into the Navy.

195.—(1.) A seaman may leave his ship for the purpose of entering with entering the naval service of Her Majesty, and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom, or otherwise be liable to any punishment or forfeiture whatever.

(2.) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced shall for each offence be liable to a fine not exceeding 20*l*.

196.—(1.) If a seaman, without having previously received an act amounting to and treated by the master as desertion, his ship in order to enter the naval service of Her Majesty, received into that service, the master shall deliver to him on board the ship, and shall pay, subject to all just deductions, a proportionate amount of his wages down to the time of his entering Her Majesty's service, to the officer authorized to receive wages into that service, either in money or by bill drawn upon the Admiralty and payable at sight to the order of the Accountant-General of the Navy; and the receipt of that officer shall be a discharge for the money or bill so given; and the bill shall be exempt from stamp duty.

(2.) If the master fails so to deliver the seaman his wages, as by this section required, he shall, in respect of his liability to deliver and pay the same, be liable for every pound of fine not exceeding 20*l*.

(3.) If any such bill be not duly paid when presented to the Accountant-General of the Navy or the seaman on whom the bill is given may sue thereon, or may recover the same by all or any of the means by which wages due to him are recoverable.

197.—(1.) Where the wages of a seaman received by him from Her Majesty's naval service are paid in money, the same shall be credited in the ship's ledger to the account of the seaman.

(2.) Where the wages are paid by bill, the bill shall be entered in the ship's ledger, and sent to the Accountant-General of the Navy, who shall cause the same to be presented for payment, and shall credit the produce thereof to the account of the seaman.

(3.) An officer who receives any such bill shall not be liable for any liability in respect thereof, except for the safe custody of the same until sent to the Accountant-General as aforesaid.

(4.) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive them if he had remained in the service of the ship which he was sent to the purpose of entering Her Majesty's service.

(5.) If the owner or master of the ship shows to the satisfaction of the Admiralty that he has paid or properly provided for the seaman liable to pay an advance of wages to or on account of his service, and has satisfied that liability, and that the seaman at the time of quitting his ship duly earned the advance by his service, the Admiralty may pay to the owner or master the amount of the advance as had not been duly earned, and deduct the same from any wages of the seaman earned or to be earned by him in the service of Her Majesty.

(6.) Where in consequence of a seaman so leaving the service of Her Majesty, the Admiralty may pay to the owner or master the amount of the advance as had not been duly earned, and deduct the same from any wages of the seaman earned or to be earned by him in the service of Her Majesty.

entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorizing the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of Court.

(7.) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant-General of the Navy; and the Accountant-General shall, upon delivery to him of the original certificate together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for navy services, the amount mentioned in the certificate; and the certificate and receipt shall absolutely discharge the Accountant-General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.

(8.) If any person in making or supporting any application under this section—

(a.) Forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document; or

(b.) Presents or makes use of any document so forged or fraudulently altered; or

(c.) Gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(d.) Makes, assists in making, or procures to be made, any false representation, knowing the same to be false;

That person shall in respect of each offence be guilty of a misdemeanour.

Provisions, Health, and Accommodation.

198.—(1.) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to any of the following officers, namely, an officer in command of one of Her Majesty's ships, a British Consular officer, a Superintendent, or a chief officer of Customs, and the officer may either examine the provisions or water complained of or cause them to be examined.

(2.) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or

deficient in quantity, he shall signify it in writing to the ship, and if the master of the ship does not then procure other proper provisions or water in lieu of any so signified of bad quality and unfit for use, or does not procure the proper quantity of any provisions or water so signified to be of that quality, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding 20*l*.

(3.) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the court, and that report shall be admissible in evidence in any proceedings by this Act.

(4.) If the said officer certifies in that statement that there is no reasonable ground for the complaint, each of the persons so complained of shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

199. In either of the following cases, that is to say:

(i.) If during a voyage the allowance of any of the provisions in which a seaman has by his agreement stipulated is reduced, or in accordance with any regulations for reduction of allowance, or by agreement contained in the agreement with the crew, and the seaman at any time during which the seaman wilfully and without reasonable cause refuses or neglects to perform his duty, or is confined to his quarters for misconduct either on board or on shore;

(ii.) If it is shown that any of those provisions so signified to be of bad quality during the voyage been bad in quality and unfit for use;

The seaman shall receive, by way of compensation, a sum in reduction, or bad quality, according to the time of the examination, the following sums, to be paid to him in addition to the wages recoverable as, wages, that is to say:

(a.) If his allowance is reduced by not more than one-fourth of the quantity specified in the agreement, a sum not exceeding 6*d*. a-day;

(b.) If his allowance is reduced by more than one-fourth of the quantity, 8*d*. a-day;

(c.) In respect of bad quality as aforesaid, a sum not exceeding 1*s*. a-day;

But if it is shown to the satisfaction of the Court that in the case is tried that any provisions, the allowance of which was reduced, could not be procured or supplied in proper time, or that proper and equivalent substitutes were supplied, the Court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

200.—(1.) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same.

(2.) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.

(3.) The master or owner of every such ship, except in the case of—

(a.) Ships bound to European ports or ports in the Mediterranean Sea; and

(b.) Such ships or classes of ships bound to ports on the eastern coast of America, north of the 35th degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt;

Shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log-book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board, if any.

(4.) If any requirement of this section with respect to the provision of medicines, medical stores, book of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding 20*l*., unless he can prove that the non-compliance was not caused through his inattention, neglect, or wilful default.

(5.) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log-book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each offence, be liable to a fine not exceeding 5*l*., unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part.

(6.) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding 20*l*.

(7.) If any person manufactures, sells or keeps, or offers for sale any medicines or medical stores for use on board ship which are

of bad quality, he shall, for each offence, be liable to a fine not exceeding 20*l*.

201.—(1.) The master of a ship shall keep on board weights and measures for determining the quantities of provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises as to the quantities.

(2.) If the master of a ship fails without reasonable excuse to comply with this section, he shall for each offence be liable to a fine not exceeding 10*l*.

202.—(1.) It shall be the duty of the medical inspector of ships for the port appointed under this Part of this Act to provide medicines, medical stores, and anti-scorbutics with which the ships required by this Part of this Act to be provided.

(2.) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade Inspector of ships under this Act, and shall act, if appointed by a Local Marine Board, under the direction of that Board (except in special cases in which the Board of Trade require an inspection to be made), and, if appointed by the Board of Trade, under the direction of the Board of Trade.

(3.) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea, and shall give notice in writing for the purpose is given to the master, owner, or consignee, and, where the result of the inspection is satisfactory, shall not make another inspection before the ship proceeds to sea, unless he has reason to suspect that the articles inspected have been subsequently removed, or destroyed.

(4.) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality, or that the ship is in improper vessels, he shall give notice in writing to the officer of Customs of the port where the ship is lying, and the master, owner, or consignee thereof, and the master or owner before proceeding to sea shall produce to the chief officer of Customs a certificate under the hand of the same or of the medical inspector of ships, that the default found by the medical inspector has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is produced, and if the ship proceeds to sea, the owner, master, or consignee shall, for each offence, be liable to a fine not exceeding 20*l*.

203.—(1.) A medical inspector of seamen, appointed under this Part of this Act, shall, on application by the owner or master of a ship, examine any seaman applying for employment in that ship, and give to the Superintendent a report under his hand

whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.

(2.) The applicant for that medical examination shall pay to the Superintendent such fees as the Board of Trade direct, and those fees shall be paid into the Mercantile Marine Fund.

204.—(1.) The Local Marine Board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and, subject to the control of the Board of Trade, may fix his remuneration, and at any port where there is no Local Marine Board, the Board of Trade may appoint and remove a medical inspector of ships, and may fix his remuneration.

(2.) The Local Marine Board, and at a port where there is no such Local Marine Board the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the Mercantile Marine Fund such remuneration as the Board of Trade direct.

205. The Governor of a British possession shall have the power in that possession—

(a.) Of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and

(b.) Subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships.

206.—(1.) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship, shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules.

(2.) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.

(3.) No fee for an inspection under this section shall be levied on the ship.

(4.) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament. The rules shall not come into operation until they have lain for fourteen days before both Houses of Parliament during the Session of Parliament.

(5.) The Board of Trade may appoint officers for the purpose of any inspection under this section, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of the moneys provided by Parliament.

207.—(1.) If the master of, or a seaman or apprentice belonging to, a ship receives any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical attendance and medicine, and also the expenses of the maintenance of the master, seaman, or apprentice until he is cured, or is brought back, if shipped in the United Kingdom, or in a possession of the United Kingdom, or if shipped in a British possession, to a port of that possession, and of his conveyance to the port, in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2.) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the maintenance of the master, seaman, or apprentice, and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner.

(3.) The expense of all medicines, surgical and medical attendance, and of attendance, given to a master, seaman, or apprentice while on board his ship shall be defrayed in like manner.

(4.) If a seaman or apprentice is ill and has, through the neglect of the master or owner of the ship, not been provided with food, provisions and water according to his agreement, or with necessary medicines, medical stores, anti-scorbutics, or accommodation, as are required by this Act, then the owner or master, unless he can prove that the illness has been produced by other causes, shall be liable to pay all expenses (not exceeding on the whole three months' wages) properly and necessarily incurred by the seaman or apprentice of the illness either by the seaman himself or by the Committee of any parochial or local authority on his behalf, and those expenses may be recovered as if they were wages duly earned, and this provision shall not affect any further liability of the master or owner.

owner for the neglect, or any other remedies possessed by the seaman or apprentice.

(5.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

208.—(1.) If any of the expenses attendant on the illness, hurt, or injury of a seaman or apprentice, which are to be paid under this Act by the master or owner, are paid by any British Consular officer or other person on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman or apprentice whose wages are not accounted for under this Act to that officer are so paid, those expenses shall be repaid to the officer or other person by the master of the ship.

(2.) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, as a debt to the Crown, either by ordinary process of law or in the same Court and manner as wages due to seamen.

(3.) In any proceeding for such recovery, a certificate of the facts, signed by the said officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that officer or other person.

209.—(1.) Every foreign-going ship having 100 persons or upwards on board shall carry on board as part of her complement some duly qualified medical practitioner, and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding 100*l*.

(2.) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

210.—(1.) Every place in any British ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than 72 cubic feet, and of not less than 12 superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Sixth Schedule to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding 20*l*.

(2.) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property

of the crew in use during the voyage, and if any such so kept free, the master shall forfeit and pay to each apprentice lodged in that place the sum of 1s. for each which, after complaint has been made to him by any two of the seamen so lodged, it is not kept free.

(3.) Such fees as the Board of Trade fix shall be paid of an inspection for the purposes of this section, not exceeding the fees specified in the Sixth Schedule to this Act.

Facilities for making Complaint.

211.—(1.) If a seaman or apprentice whilst on board a ship, desires to make a complaint to the master of the ship his desire to make a complaint to the Justice of the Peace, British Consular officer, or officer of one of Her Majesty's ships, against the master or crew, the master shall, so soon as the service of the ship permits—

(a.) If the ship is then at a place where there is such an officer as aforesaid, after such statement; and

(b.) If the ship is not then at such a place, after her arrival at such a place,

Allow the complainant to go ashore or send him ashore into custody, or, in the case of complaint to a naval officer, to such officer, so that he may be enabled to make his complaint.

(2.) If the master of a ship fails without reasonable excuse to comply with this section, he shall for each offence be liable to a fine not exceeding 10*l*.

Protection of Seamen from Imposition.

212. Subject to the provisions of this Act an assignment of salvage payable to a seaman or apprentice to the master made prior to the accruing thereof shall not bind the person entitled to the same; and a power of attorney or authority for the assignment of any such salvage shall not be irrevocable.

213. A debt exceeding in amount 5*s*. incurred by a seaman after he is engaged to serve, shall not be recoverable until the service agreed for is concluded.

214.—(1.) A local authority hereinafter mentioned which includes a seaport may, with the approval of the Board of Trade, make bye-laws relating to seamen's lodging-houses in that seaport, and those bye-laws shall be binding upon all persons kept in that seaport in which seamen are lodged and upon the owners and persons employed therein.

(2.) The bye-laws shall amongst other things provide

licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed, for the due execution of the bye-laws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding 50*l.* for the breach of any bye-law.

(3.) The bye-laws shall come into force from a date therein named, and shall be published in the "London Gazette" and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

(4.) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter any bye-laws under this section, the Board of Trade may do so.

(5.) Whenever Her Majesty in Council orders that in any district or any part thereof, none but persons duly licensed in pursuance of bye-laws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall, for each offence, be liable to a fine not exceeding 100*l.*

(6.) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any bye-law under this section shall be paid to such authority and added to those funds.

(7.) In this section the expression "local authority" means in the administrative county of London the County Council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under "The Public Health (Scotland) Act, 1867," and the Acts amending the same, and in Ireland the local authority under "The Public Health (Ireland) Act, 1878," and the expression "district" means the area under the authority of such local authority.

215. If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine not exceeding 10*l.*

216.—(1.) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds

therewith, he shall for each offence be liable to a fine not exceeding 10*l*.

(2.) A Court of Summary Jurisdiction may, besides fine, by summary order direct the amount of the market value of the effects, subject to such deduction as aforesaid, or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice.

217. If within twenty-four hours after the arrival of a ship at a port in the United Kingdom, a person then being on board the ship solicits a seaman to become a lodger at the house of the person, or to let lodgings for hire, or takes out of the ship any article, or seaman, except under the personal direction of the master, with the permission of the master, he shall for each offence be liable to a fine not exceeding 5*l*.

218. Where a ship is about to arrive, is arriving, or has arrived, at the end of her voyage, and any person not being in the Majesty's service or not being duly authorized by the Board of Trade for that purpose—

(a.) Goes on board the ship without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens);

(b.) Being on board the ship, remains there after being ordered to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the Customs;

That person shall for each offence be liable to a fine not exceeding 20*l*., or, at the discretion of the Court, to imprisonment for a term not exceeding six months; and the master of the ship, or any officer of the Board of Trade may take him into custody, and may bring him up forthwith to a constable to be taken before a Court of Magistrates for taking cognizance of the offence.

219. Whenever it is made to appear to Her Majesty's Government that the Government of a foreign country—

(a.) Has provided that unauthorized persons going on board British ships which are about to arrive or have arrived at a port within territorial jurisdiction shall be subject to provisions similar to those of the last preceding section which are applicable to persons on board British ships at the end of their voyages; and

(b.) Is desirous that the provisions of the said section should apply to unauthorized persons going on board ships of that foreign country within British territorial jurisdiction;

Her Majesty in Council may order that those provisions should apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships.

Provisions as to Discipline.

220. If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

(a.) Does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

(b.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb:

He shall in respect of each offence be guilty of a misdemeanour.

221. If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences, he shall be liable to be punished summarily as follows:—

(a.) If he deserts from his ship he shall be guilty of the offence of desertion, and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place abroad, of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour;

(b.) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour.

222.—(1.) If in the United Kingdom a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, my mate, the owner, ship's husband, or consignee of the ship may,

with or without the assistance of the local police officers convey him on board his ship, and those officers and hereby directed to give assistance if required :

(2.) Provided that if the seaman or apprentice shall first be taken before some Court capable of taking of the matter to be dealt with according to law.

(3.) If it appears to the Court before whom the case that the seaman or apprentice has been conveyed on board before the Court on improper or insufficient grounds, that he inflict on the master, mate, owner, ship's husband, or in the case may be, a fine not exceeding 20*l.* ; but the infliction of a fine shall be a bar to any action for false imprisonment or the arrest.

223.—(1.) If out of the United Kingdom, either before the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without the consent of the master, any mate, the owner, ship's husband, or consignee at any place in Her Majesty's dominions out of the United Kingdom, with or without the assistance of the local police officers (and those officers and constables are hereby directed to give assistance if required), and also at any place out of Her Majesty's dominions, if and so far as the laws in force at that place will permit, without first procuring a warrant.

(2.) A person so arresting a seaman or apprentice in any case, and shall in any case the seaman or apprentice so required, if practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law. For the purpose he may detain him in custody for a period not exceeding four hours, or such shorter time as may be necessary. If a seaman or apprentice does not require to be so taken before a Court, or if there is no such Court at or near the place, the person arresting him may at once convey him on board his ship.

(3.) If it appears to the Court before whom the case that an arrest under this section has been made on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding 20*l.* ; but the infliction of a fine shall be a bar to any action for false imprisonment or the arrest.

(4.) If out of the United Kingdom, a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or absence without leave, or for having committed any offence against the discipline, and during his imprisonment and before his discharge is at an end his services are required on board his ship.

the Peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

224.—(1.) Where a seaman or apprentice is brought before a Court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the Court, if the master or the owner or his agent so require, may (and if out of the United Kingdom in lieu of committing him to prison), cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.

(2.) If in the United Kingdom a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of that notice being given, the Court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship.

225.—(1.) If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows (that is to say):—

(a.) If he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

(b.) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay;

(c.) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the Court, to forfeit for every twenty-four hours' continuance of disobedience or neglect, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute;

(d.) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks;

(e.) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks;

(f.) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit or of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for a period not exceeding twelve weeks;

(g.) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability without prejudice to any further remedy.

(2.) Any imprisonment under this section may be with or without hard labour.

226. Nothing in the last preceding section or in the section relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before Justices which an owner or master would, but for those provisions, have for any breach of contract in respect of the matter constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

227.—(1.) If a seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine not exceeding 5*l*.

(2.) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

228. If any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if an act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine;

(a.) An entry of the offence or act shall be made in the official book, and signed by the master and also by the mate or one of the crew, and

(b.) The offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and

(c.) A statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and

(d.) In any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the Court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct.

229.—(1.) In every case of desertion from a ship in any port abroad the master shall produce the entry of the desertion in the official log-book to the person by this Act authorized to grant certificates for leaving seamen behind abroad; and that person shall thereupon make and certify a copy of the entry.

(2.) The copy shall be forthwith transmitted to the Registrar-General of Shipping and Seamen in England by the person by whom the copy is made and certified, if he is a public functionary, and, if he is not, by the master, and shall be admissible in evidence in manner provided by this Act.

230. A Superintendent shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

231.—(1.) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belouged to the ship, and either that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log-book.

(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court that he had sufficient reasons for leaving his ship.

232.—(1.) Where any wages or effects are under this Act

forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid into the Exchequer, and carried to the Consolidated Fund.

(2.) For the purpose of such reimbursement, the master or the owner or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the Court in any legal proceeding relating to such wages may order them to be paid accordingly.

(3.) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

233. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

234. If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share as a month or any other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

235.—(1.) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid as follows, that is to say:—

(a.) If the offender is discharged in the United Kingdom, and the offence and the entry in the log-book required by this Act in respect thereof are proved to the satisfaction, in the case of a foreign-going ship, of the Superintendent before whom the offender is discharged, and in the case of a home trade ship of the Superintendent: at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender and pay it to the Superintendent;

(b.) If the offender enters Her Majesty's naval service or is discharged abroad before the final discharge of the crew in the United Kingdom, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the Consular officer or other person by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid, and an entry made in the official log-book of the ship and signed by the officer or other person to whose satisfaction the offence is proved; and

(c.) On the return of the ship to the United Kingdom the master or owner shall pay the fine to the Superintendent before whom the crew is discharged, or, in the case of a home trade ship, to the Superintendent at or nearest the port at which the crew are discharged.

(2.) If a master or owner fails without reasonable cause so to pay the fine, he shall for each offence be liable to a fine not exceeding six times the amount of the fine not so paid.

(8.) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punished under this Act.

236.—(1.) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine not exceeding 10*l*.

(2.) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine not exceeding 20*l*.

237.—(1.) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a fine not exceeding 20*l*., or, in the discretion of the Court, to imprisonment, with or without hard labour, for a period not exceeding four weeks.

(2.) Every seafaring person whom the master of the ship is, under the authority of this or any other Act, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and

punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

238.—(1.) Where it appears to Her Majesty that due facilities are or will be given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant-ships in that country, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order.

(2.) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within any of Her Majesty's dominions from a merchant-ship belonging to a subject of that country, any Court, Justice, or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a Consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

(3.) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding 10*l*.

Official Logs.

239.—(1.) An official log shall be kept in every ship (except ships employed exclusively in trading between ports on the coasts of Scotland) in the appropriate form for that ship approved by the Board of Trade.

(2.) The Board of Trade shall approve forms of official log-books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

(3.) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book be duly filled up.

(4.) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates.

and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5.) Every entry in the official log-book shall be signed by the master, and by the mate or some other of the crew, and also—

(a.) If it is an entry of illness, injury, or death, shall be signed by the surgeon or medical practitioner on board (if any); and

(b.) If it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and

(c.) If it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman or by the officer authorized to receive the seaman into that service.

(6.) Every entry made in an official log-book in manner provided by this Act shall be admissible in evidence.

240. The master of a ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters, that is to say:—

(1.) Every conviction by a legal Tribunal of a member of his crew, and the punishment inflicted;

(2.) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required;

(3.) Every offence for which punishment is inflicted on board, and the punishment inflicted;

(4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars;

(5.) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any);

(6.) Every marriage taking place on board, with the names and ages of the parties;

(7.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof;

(8.) The wages due to any seaman who enters Her Majesty's naval service during the voyage;

(9.) The wages due to any seaman or apprentice who dies during

the voyage, and the gross amount of all deduction therefrom ;

(10.) The sale of the effects of any seaman or a dies during the voyage, including a statement of each and the sum received for it ;

(11.) Every collision with any other ship, and the under which the same occurred ; and

(12.) Any other matter directed by this Act to be

241.—(1.) If an official log-book is not kept as required by this Act, or if an entry directed by this Act is not made at the time and in the manner by this Act, the master shall for each offence be liable to a fine in this Act mentioned in respect thereof, or where no such specific fine, to a fine not exceeding 5*l*.

(2.) If any person makes, or procures to be made, or makes, any entry in an official log-book in respect of an occurrence happening previously to the arrival of the ship at the final port of discharge more than twenty-four hours before arrival, he shall for each offence be liable to a fine not exceeding 30*l*.

(3.) If any person wilfully destroys, or mutilates, or renders illegible any entry in an official log-book, or wilfully procures to be made, or assists in making, a false entry in or omission from an official log-book, he shall for each offence be guilty of a misdemeanour.

242.—(1.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her first port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver the official log-book to the Superintendent before whom the crew is to be discharged.

(2.) The master or owner of every home trade ship in which an official log is required to be kept shall, within twenty days after the 30th day of June and the 31st day of December, transmit or deliver the official log-book for the preceding year to some Superintendent in the United Kingdom.

(3.) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be subject to the same consequences and liabilities to which he is subject in respect of the delivery of the list of the crew required to be delivered under Part of this Act.

243.—(1.) Where by reason of transfer of ownership or of employment of a ship, the official log ceases to be required in respect of the ship, or to be required at the same time, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and if she is elsewhere

months, after the cessation, deliver or transmit to the Superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding 10*l*.

Local Marine Boards.

244.—(1.) There shall be Local Marine Boards for carrying into effect this Act under the superintendence of the Board of Trade at those ports of the United Kingdom at which Local Marine Boards are now established and at such other places as the Board of Trade appoint for the purpose.

(2.) Every Local Marine Board shall be constituted in manner specified in the Seventh Schedule to this Act, and the regulations in that Schedule shall apply to the Board and elections thereof.

(3.) A Local Marine Board may regulate the mode in which their meetings are to be held and their business is to be conducted, including the fixing of a quorum, not being less than three.

(4.) A Local Marine Board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.

(5.) Any act or proceedings of a Local Marine Board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members, or of any error in the list of voters entitled to vote at the election, or of any irregularity in making or revising the list, or by reason of any person not duly qualified acting on the Board, or of any vacancy in the Board.

245.—(1.) Every Local Marine Board shall make and send to the Board of Trade such reports and returns as the Board of Trade require; and all minutes, books, and documents of, or used or kept by, any Local Marine Board, or by any Superintendent, or by any examiner or other officer or servant under the control of any Local Marine Board, shall be open to the inspection of the Board of Trade and their officers.

(2.) If any Local Marine Board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands

the performance of the duties of the Local Marine Board at the next triennial appointment and election thereof, or direct the appointment and election of the Local Marine Board shall be made immediately.

(3.) If on complaint made to the Board of Trade in respect of them that at any port, any appointments or arrangements made by the Local Marine Board under this Act are not such as to answer the wants of the port, or are in any respect unsatisfactory, the Board of Trade may annul, alter, or rectify the same, if it think expedient, having regard to the intention of this Act to answer the wants of the port.

Mercantile Marine Offices.

246.—(1.) A mercantile marine office, with the requisite buildings, property, Superintendents, deputies, clerks, and servants, shall be maintained at every port of the United Kingdom where there is a Local Marine Board, and may be established and maintained at such other ports as the Board of Trade determine.

(2.) In every port where there is a Local Marine Board, the Board of Trade shall procure the said buildings and property, and shall remove the Superintendents, deputies, clerks, and servants, and shall regulate the business at, and have the control of, the said mercantile marine office, subject as follows :—

(a.) The sanction of the Board of Trade shall be required in respect of far as regards the number of persons to be so appointed, the amount of their salaries and wages, and all other expenses.

(b.) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and disbursement of money thereat, and every person appointed to be an officer of such office shall, before entering upon his duties, give security (if any) for the due performance thereof as the Board of Trade may require.

(c.) If the Board of Trade have reason to believe that any Superintendent, deputy, clerk, or servant appointed by the Local Marine Board does not properly discharge his duties, they may cause the case to be investigated, and, if they think proper, may remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.

(d.) The Board of Trade may appoint any Superintendent or other person connected with any sailors' home in the port to be a Superintendent with any necessary deputies, clerks, and servants, and may appoint an office in any such harbor to be a mercantile marine office, and all persons and offices

shall be subject to the immediate control of the Board of Trade, and not of the Local Marine Board of the port.

(3.) At any port at which the business of a mercantile marine office is conducted otherwise than under a Local Marine Board, the Board of Trade may—

(a.) At any time establish a mercantile marine office, and for that purpose procure the requisite buildings and property, and appoint and remove all the requisite Superintendents, deputies, clerks, and servants ; or

(b.) Direct, with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom-house, and thereupon the custom-house shall be a mercantile marine office for the purposes of that business, and any officer of Customs there appointed in that behalf by the Board of Trade shall be a Superintendent or deputy within the meaning of this Act.

247.—(1.) It shall be the general business of Superintendents of mercantile marine offices (in this Act referred to as Superintendents)—

To afford facilities for engaging seamen by keeping registries of their names and characters ;

To superintend and facilitate the engagement and discharge of seamen in manner in this Act provided ;

To provide means for securing the presence on board at the proper times of the seamen who are so engaged ;

To facilitate the making of apprenticeships to the sea service ; and

To perform such other duties relating to seamen, apprentices and merchant-ships as are, by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them.

(2.) Any act done by, to, or before a deputy duly appointed shall have the same effect as if done by, to, or before a Superintendent.

248.—(1.) A person appointed to any office or service by or under a Local Marine Board shall be deemed to be a clerk or servant, within the meaning of section 68 of “The Larceny Act, 1861”* (relating to embezzlement).

(2.) If any person so appointed to an office or service—

(a.) Fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or on account of any Local Marine Board, or for or on account of any other public Board or Department, for his own use, or any use or purpose other than that for which the same was paid, intrusted to, or received by him ; or

(b.) Fraudulently withholds, retains, or keeps back the same, or

* 24 & 25 Vict., c. 98.

any part thereof, contrary to any lawful directions which he is required to obey in relation to his office as aforesaid;

That person shall be guilty of embezzlement with intent to defraud under the said section 68 of "The Larceny Act, 1861."

(3.) In any indictment under this section it shall be lawful to charge any such chattel, money, or valuable security was received by either of the Local Marine Board by whom the person charged was employed or of the Board or Department for or on account of which the money was received.

(4.) Section 71 of "The Larceny Act, 1861" (which relates to the manner of charging embezzlement), shall apply as if the offence under this section were embezzlement under that Act.

249. The Board of Trade may dispense with the attendance of a mercantile marine office, or before a Superintendent of Marine matters required by this Act to be so transacted, and those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a Superintendent.

250. If a Superintendent, deputy, clerk, or servant of a mercantile marine office demands or receives, save as permitted by this Act, or authorized by the Board of Trade, any money or thing of value, whatever, either directly or indirectly, for hiring or employing a seaman for a ship or transacting any business which he is authorized to transact, he shall for every such offence be liable to a fine not exceeding 20*l.*, and also to dismissal from his office by the Board of Trade.

Registration of and Returns respecting Seamen.

251.—(1.) There shall be maintained in the port of London, under the control of the Board of Trade, an office to be called the General Register and Record Office of Seamen.

(2.) The Board of Trade may appoint and remove an officer to be called the General called "The Registrar-General of Shipping and Seamen" and such assistants, clerks, and servants as may be required, and with the consent of the Treasury regulate their salaries and allowances; and those salaries and allowances, and necessary expenses, shall be paid out of money provided by Parliament.

(3.) The Board of Trade may direct that the business of the said office at any of the outports be transacted at a mercantile marine office there, or with the consent of the Commissioners of Customs at the custom-house there, and may appoint an officer, Superintendent, or with the said consent some officer of Customs, in any case may be, to conduct the business, and the business of the said office.

upon be conducted accordingly, subject to the immediate control of the Board of Trade.

252. The Registrar-General of Shipping and Seamen shall, by means of the documents transmitted to him in pursuance of this Act, and by any other means in his power, keep at his office a register of all persons who serve in ships subject to this Act.

253.—(1.) The master—

(a.) Of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered; and

(b.) Of a home trade ship;

Shall make out and sign a list (in this Act referred to as the list of the crew), in a form approved by the Board of Trade, and containing the following particulars:—

(i.) The number and date of the ship's register, and her registered tonnage.

(ii.) The length and general nature of the voyage or employment.

(iii.) The names, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship.

(iv.) The names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof.

(v.) The names of any members of the crew who have been maimed or hurt, with the time, place, cause, and circumstances thereof.

(vi.) The wages due at the time of death to any of the crew who have died.

(vii.) The property belonging to any of the crew who have died, with a statement of the manner in which it has been dealt with, and the money for which any part of it has been sold.

(viii.) Any marriage which takes place on board with the date thereof, and the names and ages of the parties.

(2.) The list of the crew—

(a.) In the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, to the Superintendent before whom the crew is discharged; and

(b.) In the case of a home trade ship, shall be delivered or transmitted by the master or owner to some Superintendent in the United Kingdom on or within twenty-one days after the 30th day of June and the 31st day of December in each year.

And the Superintendent shall give to such master a certificate of such delivery or transmission, and any ship shall not be detained until the certificate is produced, and the Customs shall not clear inwards any foreign-going ship until a certificate is produced.

(3.) If the master in the case of a foreign-going ship, or the master or owner in the case of a home trade ship, without reasonable cause to deliver or transmit the list or particulars required by this section, he shall for each offence be liable to a fine not exceeding 5*l*.

254.—(1.) The master of every British ship, whether or not in the United Kingdom, shall, as soon as may be after the occurrence of the birth of a child or the death of a person on board his ship, record in his log-book or other written statement the birth or death, and the particulars required by the Schedule to this Act to be registered concerning the birth or death, or such of them as may be known to him.

(2.) The master of every British ship, upon its arrival at any port in the United Kingdom, or at such other time as the Board of Trade may with respect to any ship or class of ships direct, shall deliver or transmit, in such form as the Board of Trade direct, a return of the facts recorded by him concerning the birth of a child or the death of a person on board his ship to the Registrar-General of Shipping and Seamen.

(3.) Where the said return is directed by the Board of Trade to be delivered or transmitted upon the arrival of the ship at any port in the United Kingdom, the return shall be delivered or transmitted to the Registrar-General of Shipping and Seamen, or, if the port is in a British possession, to the Superintendent or chief officer of Customs at that port; and if it is elsewhere, to the British Consular officer at that port; and such Superintendent or officer shall transmit the return to the Registrar-General of Shipping and Seamen as may be directed by the Board of Trade.

(4.) The Registrar-General of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths as follows, that is to say:—

(a.) If it appears from the return that the father of the child born, or if the child is a bastard the mother of the child, was a Scotch or Irish subject of Her Majesty, to the Registrar-General of Births and Deaths in Scotland or Ireland, as the case may require; and

(b.) In any other case to the Registrar-General of Births and Deaths in England.

And such Registrar-General of Births and Deaths shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the Marine Register Book; and such book shall be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

(5.) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding 5*l*.

255.—(1.) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the Superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation.

(2.) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment.

(3.) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding 10*l*.

256.—(1.) All Superintendents and all officers of Customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar-General of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade, or without payment if the Board so direct, be open to the inspection of any person.

(2.) The documents aforesaid shall be public records and documents within the meaning of the Public Record Offices Acts, 1838* and 1877,† and those Acts shall, where applicable, apply to those documents in all respects, as if specifically referred to therein.

257.—(1.) Whenever a ship, in whatever part of Her Majesty's dominions it is registered (except a ship whose business for the

* 1 & 2 Vict., c. 94.

† 40 & 41 Vict., c. 55.

time being is to carry passengers, whether cabin or steerage passengers), arrives at a port in a British possession or at a port elsewhere at which there is a British Consular officer, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the chief officer of Customs or to the Consular officer (as the case may be) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, if the ship is registered in a British possession, such of those documents as the ship is provided with.

(2.) The officer shall keep the documents during the ship's stay in the port, and in cases where any indorsements upon the agreement are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure, with a certificate indorsed on the agreement, stating the time when the documents were respectively delivered and returned.

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the officer shall make an indorsement to that effect on the agreement, and forthwith transmit a copy of the indorsement, with the fullest information he can collect regarding the neglect or transgression, to the Registrar-General of Shipping and Seamen.

(4.) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding 20*l.*; and in any prosecution for that fine it shall lie upon the master either to produce the said certificate, or to prove that he duly obtained it, or that it was impracticable for him to obtain it.

258. If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to a fine not exceeding 100*l.*; and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

Sites for Sailors' Homes.

259. The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and

harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of the Local Government Board, appropriate any land vested in them or in trustees for them as a site for a sailors' home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

Application of Part II.

260. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as hereinafter provided with respect to—

- (a.) Ships belonging to any of the three general lighthouse authorities;
- (b.) Pleasure yachts; and
- (c.) Fishing boats.

261. This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows (that is to say):—

(a.) The provisions relating to the shipping and discharge of seamen into the United Kingdom and to volunteering into the navy shall apply in every case;

(b.) The provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and

(c.) All the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and

(d.) The provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad, and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered.

262. The following provisions of this Part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

(a.) The requirement of officers to hold certificates and the production of those certificates ;

(b.) The exemption from stamp duty and record of apprenticeship, and matters to be done for the production of record ;

(c.) The entry in the agreement with the crew of the ship respecting apprentices, and matters to be done for the production of such entry ;

(d.) The engagement or supply of seamen or apprentices through unlicensed persons ;

(e.) Agreements with the crew (except the provisions relating to the engagement of a seaman abroad) ;

(f.) The compulsory discharge and payment of wages before a Superintendent and the compulsory delivery of wages ;

(g.) The accommodation for seamen ;

(h.) The deduction and payment of fines imposed by the provisions in the agreement ;

(i.) The delivery of documents at ports abroad to Customs officers : or

(j.) Official log-books.

263.—(1.) This Part of this Act (except the provisions relating to the transmission and delivery of lists of names relating to the navy, and the property of deceased persons) not, subject as hereinafter provided with respect to fishing-boats, by the Fourth Part of this Act, apply to fishing-boats employed in fishing on the coasts of the United Kingdom, owners, skippers, and crews thereof.

(2.) The provisions of this Part of this Act relating to

(a.) Apprenticeships to the sea service ;

(b.) Compulsory agreements with the crew ;

(c.) The alteration, falsification, or posting up of documents with the crew ;

(d.) Compensation to seamen improperly discharged ;

(e.) The delivery of an account of wages ;

(f.) The granting of certificates of discharge and certificates of competency by the master ;

(g.) The decision of questions by the Superintendent referred to him ;

(h.) The production of the ship's papers by the master to the Superintendent in proceedings under this Act before a Justice of the Peace ;

(i.) The sections constituting the offences of desertion without leave, and offences against discipline ;

Shall not, subject as is in this section mentioned, apply to any fishing-boats whether or

employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(3.) So far as respects Scotland, all of this Part of this Act (except the provisions thereof declared not to apply to ships belonging to the general lighthouse authorities or to pleasure yachts) shall apply to fishing-boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof.

264. If the Legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

265. Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

266. This Part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.

PART III.—PASSENGER AND EMIGRANT SHIPS.

1.—Definitions.

Definition of Passenger Steamer and Passenger.

267. For the purposes of this Part of this Act—

The expression “passenger” shall include any person carried in a ship other than the master and crew, and the owner, his family and servants; and

The expression “passenger steamer” shall mean every British steam-ship carrying passengers to, from, or between any places in the United Kingdom, except steam ferry-boats working in chains (commonly called steam-bridges) and every foreign steam-ship carrying passengers between places in the United Kingdom.

Definition of Emigrant Ship, &c.

268. For the purposes of this Part of this Act, context otherwise requires—

(1.) The expression "emigrant ship" shall mean every ship, whether British or foreign, and whether or not carrying, upon any voyage to which the provisions of this Act respecting emigrant ships apply, more than 100 passengers or a greater number of steerage passengers in proportion—

(a.) If the ship is a sailing-ship, of one statute adult for every 10 tons of the ship's registered tonnage; and

(b.) If the ship is a steam-ship, of one statute adult for every 20 tons of the ship's registered tonnage; and

Includes a ship which, having proceeded from a port in the British Islands, takes on board at any port in the British Islands such number of steerage passengers, whether British or aliens resident in the British Islands, as would, either with or without the steerage passengers which she already has on board, constitute her an emigrant ship.

(2.) The expression "statute adult" shall mean a person of the age of twelve years or upwards, and two persons between the ages of one and twelve years shall be treated as one statute adult.

(3.) The expression "steerage passenger" shall mean every passenger except cabin passengers, and persons shall not be treated as cabin passengers unless—

(a.) The space allotted to their exclusive use is in the ship of at least 36 clear superficial feet to each statute adult;

(b.) They are messed throughout the voyage at the discretion of the master or first officer of the ship; and

(c.) The fare contracted to be paid by them is in the ship for every week of the length of the voyage (as determined by this Part of this Act for sailing-vessels) of 30s. if the voyage of the ship is from the British Islands to a port south of the Equator, and of 20s. if the voyage of the ship is from the British Islands to a port north of the Equator; and

(d.) They have been furnished with a duly signed certificate in the form prescribed by the Board of Trade for cabin passengers.

(4.) The expression "steerage passage" shall include every passage for all passengers except cabin passengers.

(5.) The expression "upper passenger deck" shall include the deck immediately beneath the upper deck, whether round-house and deck-house when the number of passengers, whether cabin or steerage passengers, carried in the passenger house, or deck-house, exceeds one-third of the total

steerage passengers, which the ship can lawfully carry on the deck next below.

(6.) The expression "lower passenger deck" shall mean and include the deck next beneath the upper passenger deck not being an orlop deck.

269. For the purpose of this Part of this Act the length of the voyage of an emigrant ship from the British Islands to any port elsewhere shall be determined by such of the scales fixed by the Board of Trade as is applicable thereto, and the Board of Trade may fix the scales by notice published in the "London Gazette," and may fix such different lengths of voyage as they think reasonable for different descriptions of ships.

270. For the purposes of this Part of this Act a colonial voyage means a voyage from any port in a British possession, other than British India and Hong Kong, to any port whatever, where the distance between such ports exceeds 400 miles, or the duration of the voyage, as determined under this Part of this Act, exceeds three days.

2.—*Passenger Steamers.*

Survey of Passenger Steamers.

271.—(1.) Every passenger steamer which carries more than twelve passengers shall—

(a.) Be surveyed once at least in each year in the manner provided in this Part of this Act; and

(b.) Shall not ply or proceed to sea or on any voyage or excursion with any passengers on board unless the owner or master has the certificate from the Board of Trade as to survey under this Part of this Act, the same being in force and applicable to the voyage or excursion on which the steamer is about to proceed.

(2.) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of customs.

(3.) Provided that, while a steamer is an emigrant ship and the provisions of this Part of this Act as to the survey of the hull, machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section.

272.—(1.) The owner of every passenger steamer shall cause the same to be surveyed by a shipwright surveyor of ships and an engineer surveyor of ships, the shipwright surveyor being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer.

(2.) The surveyors, if satisfied on the survey that they can with

propriety do so, shall deliver to the owner declarations of the form approved by the Board of Trade.

(3.) The declaration of the shipwright surveyor shall contain statements of the following particulars:—

(a.) That the hull of the steamer is sufficient for the service intended and in good condition ;

(b.) That the boats, life-buoys, lights, signals, compasses, and shelter for deck passengers are such, and in such condition as are required by this Act ;

(c.) The time (if less than one year) for which the machinery and equipments will be sufficient ;

(d.) The limits (if any) beyond which, as regards the machinery and equipments, the steamer is, in the surveyor's judgment, not fit to ply ;

(e.) The number of passengers which the steamer is, in the judgment of the surveyor, fit to carry, distinguishing between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins ; the number to be subject to such conditions and variations, according to the season of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires ;

(f.) That the certificates of the master and mate are such as are required by this Act.

(4.) The declaration of the engineer surveyor shall contain statements of the following particulars, namely:—

(a.) That the machinery of the steamer is sufficient for the service intended, and in good condition ;

(b.) The time (if less than one year) for which the machinery will be sufficient ;

(c.) That the safety valves and fire hose are such as are in condition as are required by this Act ;

(d.) The limit of the weight to be placed on the safety valves ;

(e.) The limits (if any) beyond which, as regards the machinery, the steamer is, in the surveyor's judgment, not fit to ply ;

(f.) That the certificates of the engineer or engine-writer are such as are required by this Act.

273.—(1.) The owner of a steamer surveyed shall within ten days after the receipt by him of a declaration of survey, deliver the same to the Board of Trade.

(2.) If an owner fails without reasonable cause to deliver a declaration of survey, he shall forfeit a sum not exceeding £10 for every day during which the transmission is delayed, and the sum so forfeited shall be payable on the granting of a certificate of survey in addition to the fee, and shall be applied in the same manner as the fee.

274. On the receipt of the declarations of survey, the Board of Trade shall, if satisfied that this Part of this Act has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance, and stating, according to the declarations—

(a.) The limits (if any) beyond which the steamer is not fit to ply; and

(b.) The number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

275.—(1.) If the owner of a steamer feels aggrieved by the declaration of survey of a shipwright or engineer surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the Court of Survey for the port or district where the steamer for the time being is, in manner directed by the Rules of that Court.

(2.) On any such appeal the Judge of the Court of Survey shall report to the Board of Trade on the question raised by the appeal, and the Board, when satisfied that the requirements of the report and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate.

(3.) Subject to any order made by the Judge of the Court of Survey, the costs of and incidental to the appeal shall follow the event.

(4.) A shipwright or engineer surveyor in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the Court of Survey.

276.—(1.) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a Superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying.

(2.) The Board of Trade shall cause notice of the transmission to be given to the master or owner or his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.

(3.) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by

the said officer, and that due notice of the transmission w
the owner, master, or agent.

277. The grantee of a passenger steamer's certificate
such fees, not exceeding those specified in Part I of
Schedule to this Act, as the Board of Trade fix.

278.—(1.) A passenger steamer's certificate shall not
for more than one year from the date of its issue, or a
time specified in the certificate, nor after notice is gi
Board of Trade to the owner, agent, or master of the s
the Board have cancelled it.

(2.) If a passenger steamer is absent from the Unite
at the time when her certificate expires, a fine shall not
for want of a certificate until she first begins to ply with
after her next return to the United Kingdom.

279.—(1.) The Board of Trade may cancel a passenge
certificate where they have reason to believe—

(a.) That any declaration of survey on which the cer
founded has been in any particular made fraudulently or e
or

(b.) That the certificate has been issued upon false o
information ; or

(c.) That since the making of the declaration, the l
ments, or machinery have sustained any injury or are
insufficient.

(2.) In every such case the Board of Trade may
owner to have the hull, equipment or machinery of t
again surveyed, and to transmit further declarations
before they reissue the certificate or grant a fresh o
thereof.

280.—(1.) The Board of Trade may require a passenge
certificate, which has expired or been cancelled, to be deli
they direct.

(2.) If any owner or master fails without reasonabl
comply with such requirement, he shall for each offence
a fine not exceeding 10*l*.

281.—(1.) The owner or master of every passenge
required to have a passenger steamer's certificate shall fo
the receipt of the certificate by him or his agent, cause
duplicates to be put up in some conspicuous place on
steamer so as to be legible to all persons on board, and to
put up and legible while the certificate remains in for
steamer is in use.

(2.) If the owner or master fails without reasonabl
comply with this section, he shall for each offence be lia
not exceeding 10*l*.

(3.) If a passenger steamer plys or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof shall be liable to a fine not exceeding 100*l.*, and the master shall also be liable to a further fine not exceeding 20*l.*

282. If any person—

(a.) Knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer's certificate; or

(b.) Forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to, any such declaration or certificate;

That person shall in respect of each offence be guilty of a misdemeanour.

283. The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, and, if he does so, he shall for each offence be liable to a fine not exceeding 20*l.*, and also to an additional fine not exceeding 5*s.* for every passenger above the number so allowed, or if the fare of any passenger on board exceeds 5*s.*, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

284. Where the Legislature of any British possession provides for the survey of, and grant of certificates for, passenger steamers, and the Board of Trade report to Her Majesty the Queen that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under this Act, Her Majesty in Council may—

(1.) Declare that the certificates granted in the said British possession shall be of the same force as if granted under this Act; and

(2.) Declare that all or any of the provisions of this Part of this Act which relate to passenger steamer's certificates shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates granted in the said British possession; and

(3.) Impose such conditions and make such regulations with respect to the certificates, and to the use, delivery, and cancellation

thereof, as to Her Majesty may seem fit, and imp exceeding 50*l.* for the breach of those conditions and r

General Equipment of Passenger Steamers.

285.—(1.) A sea-going passenger steamer shall ha passes properly adjusted from time to time to the satis shipwright surveyor, and according to such regulation issued by the Board of Trade.

(2.) A sea-going passenger steamer shall be provide capable of being connected with the engines of the adapted for extinguishing fire in any part of the steam

(3.) A home trade passenger steamer shall be provide shelter for the protection of deck passengers (if any) of Trade, having regard to the nature of the passage, t deck passengers to be carried, the season of the year, the ship, and the circumstances of the case, require.

(4.) A passenger steamer shall be provided with a sa each boiler, so constructed as to be out of the control of when the steam is up, and, if the safety valve is in ad ordinary valve, so constructed as to have an area no pressure not greater, than the area of and pressure on valve.

(5.) If a passenger steamer plies or goes to sea fr the United Kingdom without being equipped as requ section, then, for each matter in which default is made, in fault) shall be liable to a fine not exceeding 100*l.*, an (if in fault) shall be liable to a fine not exceeding 50*l.*

286. A person shall not increase the weight on the of a passenger steamer beyond the limits fixed by the s if he does so, he shall, in addition to any other liab incur by so doing, be liable for each offence to a fine n 100*l.*

Keeping Order in Passenger Steamers.

287.—(1.) If any of the following offences is com case of a passenger steamer for which there is a passen certificate in force, that is to say :—

(a.) If any person being drunk or disorderly has account refused admission thereto by the owner or any employment, and, after having the amount of his fare (i it) returned or tendered to him, nevertheless persists i to enter the steamer;

(b.) If any person being drunk or disorderly o steamer is requested by the owner or any person in h

leave the steamer at any place in the United Kingdom at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request;

(c.) If any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger;

(d.) If any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer;

(e.) If any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer before it has quitted that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request;

(f.) If any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof;

(g.) If any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof;

(h.) If any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer; and

(i.) If any person on board the steamer fails, when requested by the master or other officer thereof either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare as is usually given to persons travelling by and paying their fare for the steamer;

The person so offending shall for each offence be liable to a fine not exceeding 40s., but that liability shall not prejudice the recovery of any fare payable by him.

(2.) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall for each offence be liable to a fine not exceeding 20l.

(3.) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant,

detain any person who commits any offence against this and whose name and address are unknown to the master and convey the offender with all convenient dispatch before the Justice of the Peace to be dealt with according to law, and the Justice shall with all convenient dispatch try the case in a summary manner.

(4.) If any person commits an offence against this section on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding 20*l.*, and the fine shall be paid to the master of the steamer.

288. The master of any home trade passenger steamer shall refuse to receive on board thereof any person who, by reason of drunkenness or otherwise, is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and, if any such person is on board, may put him on shore at any convenient place; and a person so refused admission or put on shore shall not be entitled to the return of any fare paid.

3.—*Emigrant Ships.*

Survey of Emigrant Ships.

289.—(1.) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear out to proceed to sea on any voyage unless she has been surveyed by the direction of the emigration officer at the port of clearance at the expense of the owner or charterer thereof, by two competent surveyors to be appointed at any port in the Islands where there is an emigration officer by the Board of Trade and at other ports by the Commissioners of Customs, and the surveyors reported by such surveyors to be, in their opinion, seaworthy for her intended voyage.

(2.) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for the use of the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or the surveyors, as to expose to view successively every part of the frame of the ship.

(3.) If any such surveyors report that the ship is not seaworthy or not fit for her intended voyage, the owner or charterer, if he thinks fit, by writing under his hand, require the emigration officer to appoint three other competent surveyors (of whom at least must be shipwrights) to survey the ship at the expense

owner or charterer, and the said officer shall thereupon appoint such surveyors, and they shall survey the ship, and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall, for the purposes of this Part of the Act, be deemed seaworthy and fit for that voyage.

(4.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding 100*l*.

Equipments.

290.—(1.) Every emigrant ship shall, in addition to any other requirement under this Act, be provided with the following articles, namely:—

(a.) With at least three steering compasses, and one azimuth compass; and

(b.) If proceeding to any place north of the Equator, with at least one chronometer; and

(c.) If proceeding to any place south of the Equator, with at least two chronometers; and

(d.) With a fire engine in proper working order and of such description and power, and either with or without such other apparatus for extinguishing fire as the emigration officer may approve; and

(e.) With three bower anchors of such weight and with cables of such length, size, and material as in the judgment of the emigration officer are sufficient for the size of the ship; and

(f.) If a foreign ship, with four properly fitted lifebuoys kept ready at all times for immediate use; and

(g.) Adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding 50*l*.

Number of, and Accommodation for, Passengers.

291.—(1.) A ship shall not carry passengers, whether cabin or steerage passengers, on more than two decks, except that cabin passengers not exceeding one for every 100 tons of the ship's registered tonnage, and sick persons placed in hospital as herein-after provided, may be carried in a poop or deck-house, although passengers are carried on two other decks.

(2.) If steerage passengers are carried under the poop, or in

a round house, or deck-house, the poop, round house, shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance.

(3.) If any requirement of this section is not complied with in the case of any ship, the master of the ship shall for each offence be liable to a fine not exceeding 500*l*.

292.—(1.) The number of steerage passengers on any emigrant ship shall not exceed the number limited by the regulations in the Tenth Schedule to this Act.

(2.) If there is on board any emigrant ship at or about the time of clearance a greater number of steerage passengers than is so limited (except as increased by births at sea), the master of the ship shall be liable to a fine not exceeding 20*l*. for each passenger constituting such excess.

293.—(1.) The regulations as to the accommodation of passengers in the Eleventh Schedule to this Act respecting the construction of passenger decks, to berths, to hospitals, and to the supply of light and ventilation, shall be complied with in the case of all emigrant ships as if they were contained in this section.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding 50*l*., except that the master shall alone be liable to the fine where he is in any such regulation expressly made liable.

294.—(1.) No part of the cargo or of the steerage luggage, or of the provisions, water, or stores, whether for the use of the steerage passengers or of the crew, shall be stowed on the upper deck or on the passenger decks unless, in the opinion of the emigration officer at the port of clearance, the same is so stowed as not to impede light or ventilation or to interfere with the accommodation of the steerage passengers, nor unless the same is properly secured to the satisfaction of the emigration officer; and no part thereof shall thereby be occupied or rendered in the opinion of such officer unavailable for the accommodation of the steerage passengers (except as occupied by the said steerage passengers' luggage) before the ship is ready for departure, calculating the space by which the number of steerage passengers is regulated.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding 300*l*.

Provisions, Water, and Medical Stores.

295.—(1.) There shall be placed on board every emigrant ship for the steerage passengers provisions and water of good and wholesome quality and in sweet and good condition, and in quantities sufficient to secure throughout the voyage the issues required by this Part of this Act.

(2.) In addition to the allowance of pure water for each steerage passenger, water shall be shipped for cooking purposes sufficient to supply 10 gallons for every day of the length of the voyage, as determined under this Part of this Act, for every 100 statute adults on board.

(3.) There shall also be shipped for the use of the crew and all other persons on board an ample amount of wholesome provisions and pure water, not inferior in quality to the provisions and water provided for the steerage passengers.

(4.) All such water and provisions shall be provided and stowed away by and at the expense of the owner, charterer, or master of the ship.

(5.) If any emigrant ship obtains a clearance without being provided with the requisite quantities of water and provisions in accordance with this section, the owner, charterer, or master of that ship, or any of them, shall for each offence be liable to a fine not exceeding 800*l*.

(6.) Before an emigrant ship is cleared outwards, the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this Act required to be placed on board for the steerage passengers, and shall satisfy himself that the same are of good and wholesome quality and in sweet and good condition, and in the quantities required by this Act.

(7.) If the emigration officer considers that any part of the provisions or water is not of a good and wholesome quality, or is not in sweet and good condition, he may reject and mark the same, or the packages or vessels in which it is contained, and direct the same to be forthwith landed or emptied.

(8.) If the same are not forthwith landed or emptied, or if after being landed the same or any part thereof are reshipped in the ship, the owner, charterer, or master of the ship, or any of them, or, if the same are shipped in any other emigrant ship, then the person causing the same to be so shipped shall for each offence be liable to a fine not exceeding 100*l*.

296.—(1.) The water to be placed on board emigrant ships as hereinbefore provided shall be carried in tanks or casks approved by the emigration officer at the port of clearance, and the casks shall

be sweet and tight, of sufficient strength, and, if of wood charred inside, and the staves shall not be made of fir, soft wood, and each cask shall not be capable of containing more than 300 gallons.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding 50*l*.

297. If an emigrant ship is intended to call at any intermediate port during the voyage for the purpose of taking in water, or if an engagement to that effect is inserted in the master's bond as hereinafter mentioned, it shall be sufficient to place on board at the port of clearance such supply of water as is required by this Part of the Act for the voyage to the intermediate port, subject to the conditions, that is to say:—

(i.) The emigration officer at the port of clearance shall sign in writing the arrangement, and the approval shall be carried on the ship's papers, and shall be exhibited at the intermediate port, and delivered on the arrival of the ship at her final port of discharge to the chief officer of Customs or British Consular officer as may be;

(ii.) If the length of either portion of the voyage, whether from the intermediate port, or from the intermediate port to the final port of discharge, is not determined under this Part of this Act, the emigration officer at the port of clearance shall declare the same in writing as part of his said approval of the arrangement;

(iii.) The ship shall have on board at the time of clearance such tanks and water-casks of the description by this Part of the Act required, as are sufficient for stowing the quantity of water required for the longest of the aforesaid portions of the voyage.

298.—(1.) The master of every emigrant ship shall provide for the voyage, including the time of detention at any place before the termination thereof, issue to each steerage passenger, or to each steerage passengers are divided into messes, to the head of each mess, the time being of each mess, on behalf and for the use of the members thereof, an allowance of pure water, and sweet and wholesome provisions of good quality, in accordance with the scales in the Twelfth Schedule to this Act, which shall have effect as if they were contained in this section.

(2.) The Board of Trade may, by notice published in the *Gazette*, add to the dietary scales in the said Schedule any other scale which, in their opinion, contains in the whole the same amount of wholesome nutriment as any scale in that Schedule, and any dietary scale so added, inclusive of any regulations relating thereto, shall have effect as if they were contained in the said Schedule.

alternative of the dietary scales therein contained, and accordingly a master of a ship may issue provisions according to the latter scales or to any scale so added, whichever is mentioned in the contract ticket of the steerage passengers.

(3.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding 50*l*.

299. The Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers, whether cabin or steerage, is superior to the food, space, accommodation, or other particular or thing required by this Part of this Act, may exempt that ship from any requirement of this Part of this Act with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board think fit.

300.—(1.) The owner or charterer of every emigrant ship shall provide for the use of the steerage passengers a supply of the following things (in this Part of this Act referred to as medical stores), namely, medicines, medical comforts, instruments, disinfectants, and other things proper and necessary for diseases and accidents incident to sea voyages and for the medical treatment of the steerage passengers during the voyage, with written directions for the use of such medical stores.

(2.) The medical stores shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of the intended voyage, and shall be properly packed, and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion.

(3.) If any of the above requirements of this section is not complied with in the case of an emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding 50*l*.

(4.) An emigrant ship shall not clear outwards or proceed to sea unless a medical practitioner appointed by the emigration officer at the port of clearance has inspected the said medical stores, and certified to the emigration officer that they are sufficient in quantity and quality, or unless the emigration officer, in case he cannot on any particular occasion obtain the attendance of a medical practitioner, gives written permission for the purpose.

(5.) If an emigrant ship clears outwards or proceeds to sea without such certificate or permission, the master of the ship shall for each offence be liable to a fine not exceeding 100*l*.

Dangerous Goods, and Carriage of Cattle.

301.—(1.) Subject to the provisions of this Part of the Act, no ship shall be cleared to military stores, an emigrant ship shall not clear to sea, if there is on board—

(a.) As cargo, any article which is an explosive within the meaning of "The Explosives Act, 1875,"* or any volatile substance, matches, guano, or green hides; or

(b.) Either as cargo or ballast, any article or number of articles, the nature, quantity, or mode of stowage of which are, either singly or collectively, in the opinion of the emigration officer at the port of clearance likely to be injurious to the health or lives of the steerage passengers or the crew of the ship; or

(c.) As cargo, horses or cattle or other animals mentioned in the Thirteenth Schedule to this Act, except they are carried under the conditions stated in that Schedule, which shall have effect as if contained in this section.

(2.) If any requirement of this section is not complied with in the case of any ship, the owner, charterer, or master of the ship, shall for each offence be liable to a fine not exceeding 300*l.*

302.—(1.) A Secretary of State may, by order under the Great Seal, authorize the carriage as cargo in any emigrant ship, subject to such conditions and directions as may be specified in the order, for use in naval and military stores for the public service, and such cargo may be carried accordingly.

(2.) The order shall be addressed to the emigration officer, and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of Customs at the port where the ship is to be discharged.

(3.) The master shall comply with all the conditions in the order, and, if he fails to do so, shall for each offence be liable to a fine not exceeding 300*l.*

Medical Officer, Staff, and Crew.

303.—(1.) Subject to any regulations made by Order in Council under this Part of this Act, a duly authorized medical officer shall be carried on board an emigrant ship—

(a.) Where the number of steerage passengers on board exceeds 50; and also

(b.) Where the number of persons on board (including passengers, officers, and crew) exceeds 300.

* 38 & 39 Vict., c. 17.

(2.) A medical practitioner shall not be considered to be duly authorized for the purposes of this Act unless—

(a.) He is authorized by law to practise as a legally qualified medical practitioner in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which that ship belongs; and

(b.) His name has been notified to the emigration officer at the port of clearance, and has not been objected to by him; and

(c.) He is provided with proper surgical instruments to the satisfaction of that officer.

(3.) When the majority of the steerage passengers in any emigrant ship, or as many as 300 of them, are foreigners, any medical practitioner, whether authorized or not, may, if approved by the emigration officer, be carried therein.

(4.) Where a medical practitioner is carried on board an emigrant ship he shall be rated on the ship's articles.

(5.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding 100*l*.

(6.) If any person proceeds or attempts to proceed as medical practitioner in any emigrant ship without being duly authorized, or contrary to the requirements of this section, that person and any person aiding and abetting him shall for each offence be liable to a fine not exceeding 100*l*.

304.—(1.) Every emigrant ship, if carrying as many as 100 steerage passengers, shall carry a steerage steward, who shall be a seafaring man, and rated in the ship's articles as steerage steward, and approved by the emigration officer at the port of clearance: he shall be employed in messing and serving out the provisions to the steerage passengers, and in assisting to maintain cleanliness, order, and good discipline among them, and shall not assist in any way in navigating or working the ship.

(2.) Every emigrant ship carrying as many as 100 steerage passengers shall also carry a steerage cook, and if carrying more than 300 statute adults two steerage cooks, who shall be seafaring men, and be rated and approved as in the case of steerage stewards, and shall be employed in cooking the food of the steerage passengers.

(3.) In every such ship a convenient place for cooking shall be set apart on deck, and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the emigration officer at the port of clearance, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.

(4.) Every foreign emigrant ship in which as many as one-half

of the steerage passengers are British subjects shall master and officers or not less than three of them un- speak intelligibly the English language, carry, if the steerage passengers does not exceed 250, one person exceeds 250, two persons, who understand and speak in language spoken by the master and crew and also language: those persons shall act as interpreters, and exclusively in attendance on the steerage passengers working the ship; and any such ship shall not clear proceed to sea without having such interpreter on board.

(5.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall be liable to a fine not exceeding 50*l*.

305.—(1.) Every emigrant ship shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a certificate for clearance of the ship is demanded: after the crew have been passed by the emigration officer, the strength of the crew shall not be diminished, and any of the men changed without the consent in writing of that emigration officer or of the Superintendent at the port of clearance.

(2.) Where the consent of a Superintendent has been obtained, the ship shall, within twenty-four hours thereafter, be lodged in the hands of the emigration officer.

(3.) If the emigration officer considers the crew insufficient, the owner or charterer of the ship may appeal in writing to the Board of Trade, and the Board shall, at the expense of the ship, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of those so appointed, expressed under their hands, shall be binding on the point.

(4.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall be liable to a fine not exceeding 50*l*.

Medical Inspection.

306.—(1.) An emigrant ship shall not clear outwards to sea until—

(a.) Either a medical practitioner, appointed by the emigration officer at the port of clearance, has inspected all the passengers and crew about to proceed in the ship, and reported to the emigration officer, and that officer is satisfied, that the steerage passengers or crew appear to be by reason of physical or mental disease unfit to proceed, or likely

the health or safety of the other persons about to proceed in the ship; or

(b.) The emigration officer, if he cannot on any particular occasion obtain the attendance of a medical practitioner, grants written permission for the purpose.

(2.) The inspection shall take place either on board the ship, or, in the discretion of the emigration officer, at such convenient place on shore before embarkation as he appoints, and the master, owner, or charterer of the ship shall pay to the emigration officer in respect of the inspection such fee not exceeding 20s. for every hundred persons or fraction of a hundred persons inspected, as the Board of Trade determine.

(3.) If this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding 100l.

307.—(1.) If the emigration officer is satisfied that any person on board or about to proceed in any emigrant ship is by reason of sickness unfit to proceed, or is for that or any other reason in a condition likely to endanger the health or safety of the other persons on board, the emigration officer shall prohibit the embarkation of that person, or, if he is embarked, shall require him to be relanded; and if the emigration officer is satisfied that it is necessary for the purification of the ship or otherwise that all or any of the persons on board should be relanded, he may require the master of the ship to reland all those persons, and the master shall thereupon reland those persons, with so much of their effects and with such members of their families as cannot, in the judgment of such emigration officer, be properly separated from them.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master, owner, or charterer of the ship, or any of them, shall for each offence be liable to a fine not exceeding 200l.

(3.) If any person embarks when so prohibited to embark, or fails without reasonable cause to leave the ship when so required to be relanded, that person may be summarily removed, and shall be liable to a fine not exceeding 40s. for each day during which he remains on board after the prohibition or requirement.

(4.) Upon such relanding the master of the ship shall pay to each steerage passenger so relanded, or, if he is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade, then to the emigration officer at the port, subsistence money at the rate of 1s. 6d. a-day for each statute adult until he has been re-embarked or declines or neglects to proceed, or until his passage money, if recoverable under this Part of this Act, has been returned to him.

308. When a person has been relanded from an emigrant ship on account of the sickness of himself or of any member of his family, and is not re-embarked or does not finally sail in the ship, or any emigration officer on his behalf, shall be liable for the delivery up of his contract ticket, and notwithstanding that the ship has not sailed, to recover summarily, in the case of a passenger, the whole, and in the case of a cabin passenger, one-third of the money paid by or on account of the passenger. The money shall be recovered from the person to whom it was paid, or from the owner, charterer, or master of the ship, or of them, at the option of the person recovering the same.

Master's Bond.

309.—(1.) Before an emigrant ship clears outwards from port to sea, the master, together with the owner or charterer, or in event of the owner or charterer being absent or being unable to execute, one other good and sufficient person approved by the Collector of Customs at the port of clearance, shall enter into a bond to the several bond (in this Act referred to as the master's bond) for the sum of 2,000*l.* to the Crown.

(2.) The bond shall be executed in duplicate, and shall be liable to stamp duty.

(3.) Where neither the owner nor the charterer of the ship resides in the British Islands, the bond shall be for the sum of 5,000*l.* instead of 2,000*l.*, and shall contain an additional condition for the payment to the Crown, as a Crown debt, of the expenses incurred under this Act in rescuing, maintaining, and forwarding to their destination any steerage passengers carried in the ship, or by reason of shipwreck or any other cause, except their expenses, or default, are not conveyed by or on behalf of the owner or master of the ship to their intended destination.

310.—(1.) Where an emigrant ship is bound to a British possession the chief officer of Customs at the port of clearance shall endorse on one part of the master's bond that it has been duly executed by the master of the ship and the other person bound, and shall deliver the same to the Governor of the said possession or to such other officer as the Governor may appoint for that purpose.

(2.) The certificate shall, in any Court of a British possession, which the bond may be put in suit, be conclusive evidence of the due execution of the bond by the master and the other person bound, and it shall not be necessary to prove the signature of the officer of Customs who signed the certificate, nor shall it be necessary at the time of signing it chief officer of Customs at the port of clearance.

(3.) Any such bond shall not be put in suit in a British possession after the expiration of three months next after the arrival of the ship in that possession, nor in the British Islands after the expiration of twelve months next after the return of the ship and of the master to the British Islands.

Passengers' Lists.

311.—(1.) The master of every ship carrying steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as hereinbefore defined, shall, before demanding a clearance for his ship, sign in duplicate a passengers' list, that is to say, a list correctly setting forth the name and other particulars of the ship and of every passenger, whether cabin or steerage, on board thereof.

(2.) The passengers' lists shall be countersigned by the emigration officer, if there is one, at the port, and then delivered by the master to the officer of Customs from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one duplicate (in this Part of this Act referred to as the "master's list"), and shall retain the other duplicate.

(3.) If any requirement of this section to be observed by the master is not complied with in the case of any ship, or any passengers' list is wilfully false, the master of the ship shall for each offence be liable to a fine not exceeding 100*l*.

312.—(1.) If at any time after the passengers' list has been signed and delivered as aforesaid any additional passenger (whether cabin or steerage) is taken on board, the master shall add to the master's list, and also enter on a separate list signed by him the names and other particulars of every such additional passenger.

(2.) The separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which the addition has been made, be delivered to the chief officer of Customs at the port, who shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.

(3.) If there is no officer of Customs stationed at the port where an additional passenger is taken on board, the said lists shall be delivered to the officer of Customs at the next port having such an officer at which the vessel arrives, to be dealt with as hereinbefore mentioned.

(4.) When any additional passenger is taken on board the master shall, before the ship proceeds to sea, obtain a fresh certificate from

the emigration officer of the port that all the requirements of this Part of this Act have been complied with.

(5.) If any requirement of this section is not complied with in the case of any ship, the master of that ship shall for every such default be liable to a fine not exceeding 50*l*.

313.—(1.) If a person is found on board an emigrant ship with intent to obtain a passage therein without the consent of the charterer, or master thereof, he and any person aiding or abetting him shall be liable to a fine not exceeding 20*l*., and, in default of payment, to imprisonment for a period not exceeding three months, with or without hard labour.

(2.) Any person so found on board may, without being previously taken before a Justice of the Peace to be dealt with according to law, and that Justice may try the case in a summary manner.

Certificate for Clearance.

314.—(1.) A ship fitted or intended for the carriage of passengers as an emigrant ship shall not clear outwards to sea until the master has obtained from the emigration officer of the port of clearance a certificate for clearance, that the ship has obtained a certificate that all the requirements of this Part of this Act have been complied with before the departure of the ship, and that the same can be complied with before the departure of the ship, and that the ship is in seaworthy, in safe trim, and in all respects fit for service on the voyage, and that the steerage passengers and crew are ready to proceed, and that the master's bond has been duly executed.

(2.) If the emigration officer refuses to grant such a certificate, the owner or charterer of the ship may appeal in writing to the Board of Trade, and that Board shall thereupon appoint two other emigration officers or any two competent persons to inquire into the matter at the expense of the appellant, and if those persons so appointed grant the master of the ship under the same hands a certificate to the same purport as the certificate refused, it shall be of the same effect as a certificate for clearance.

315.—(1.) The master of every ship, whether an emigrant ship or not, which is fitted or intended for the carriage of passengers, or which carries steerage passengers on a voyage to the British Islands to any port out of Europe and not in the Mediterranean Sea, or on a colonial voyage as hereinbefore defined, shall afford to the emigration officer at any port in the United Kingdom, and, in the case of British ships, to the British emigration officer at any port elsewhere at which the ship is or may be, a facility for inspecting the ship, and for communicating with the emigration officer of the port.

steerage passengers and for ascertaining that this Part of this Act, so far as applicable to the ship, has been duly complied with.

(2.) If the master of any ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding 50*l*.

316.—(1.) If any emigrant ship, after clearance, is detained in port for more than seven days, or puts into or touches at any port in the British Islands, she shall not proceed to sea again until—

(a.) There has been laden on board, at the expense of the owner, charterer, or master of the ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as is necessary to make up the full quantities of those articles required under this Part of this Act to be laden on board for the intended voyage; and

(b.) Any damage which the ship has sustained has been effectually repaired; and

(c.) The master of the ship has obtained from the emigration officer a certificate for clearance to the same effect as the certificate for clearance at her port of departure.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding 100*l*.

317.—(1.) If any emigrant ship, after clearance, puts into or touches at any port in the British Islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back and the condition of his ship and of her provisions, water, and medical stores to the emigration officer at the port, and shall produce to that officer the master's list of passengers.

(2.) If the master of an emigrant ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding 20*l*.

318.—(1.) If the owner of an emigrant ship is aggrieved by the refusal by an emigration officer of a certificate for clearance, he may appeal to a Court of Survey for the port or district where the ship for the time being is, in manner directed by the rules of that Court.

(2.) The Judge of the Court of Survey shall report to the Board of Trade on the question raised by the appeal, and that Board, if satisfied that the requirements of the report and of this Part of this Act have been complied with, may grant or direct the emigration officer to grant a certificate for clearance.

(3.) Subject to any order made by the Judge of the Court of Survey, the costs of and incidental to the appeal shall follow the event.

(4.) Where a survey of a ship is made for the purpose of a certificate for clearance, the person so appointed to make the survey

shall, if so required by the owner, be accompanied by some person appointed by the owner, and in said two persons agree there shall be no appeal to Survey in pursuance of this section.

319.—(1.) If any emigrant ship—

(a.) Proceeds to sea without the master having certificate for clearance; or

(b.) Having proceeded to sea, puts into any port Islands in a damaged state, and leaves or attempts to leave with steerage passengers on board without the master having obtained the proper certificate for clearance;

That ship shall be forfeited to the Crown, and may be sold by any officer of Customs if found within two years from the date of the offence in any port in Her Majesty's dominions thereupon be dealt with as if she had been seized as for breach of the laws relating to the customs.

(2.) The Board of Trade may release, if they think fit, any forfeited ship, on payment to the use of the Crown of a sum not exceeding 2,000*l.* as the Board specify.

Passengers' Contracts.

320.—(1.) If any person, except the Board of Trade, acting for them and under their direct authority, receives money from any person for or in respect of a passage as a passenger in any ship, or as a passage as a cabin passenger in any emigrant ship, proceeding from the British Islands to any port of Europe and not within the Mediterranean Sea, he shall be liable to a fine of 50*l.* for each offence if the person paying the same a contract ticket signed by the owner, charterer, or master of the ship, and printed in legible characters.

(2.) The contract ticket shall be in a form approved by the Board of Trade and published in the "London Gazette," and the provisions contained in that form of contract ticket not being inconsistent with this Act shall be obeyed as if set forth in this section.

(3.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding 50*l.*

(4.) Contract tickets under this section shall not be liable to stamp duty.

321.—(1.) Any question which arises respecting the non-performance of any stipulation in any such contract may, at the option of any passenger interested, whether a steerage passenger or a cabin passenger, be tried before a Court of Summary Jurisdiction, and the Court may award to the complainant such

costs as they think just, not exceeding the amount of the passage-money specified in the contract ticket and 20*l.* in addition.

(2.) But if a passenger has obtained compensation or redress under any other provision of this Act, he shall not be entitled to recover damages under this section in respect of the same matter.

322. If a passenger, whether a steerage or a cabin passenger, fails, without reasonable cause, on demand of any emigration officer, to produce his contract ticket, and if any owner, charterer, or master of a ship, on like demand, fails without reasonable cause to produce for the inspection of such emigration officer and for the purposes of this Act the counterpart of any contract ticket issued by him or on his behalf, the passenger, owner, charterer, or master, as the case may be, shall for each offence be liable to a fine not exceeding 10*l.*

323. If any person, after the issue of a contract ticket and during the continuance of the contract of which that ticket is evidence, alters that ticket, or induces any person to part with it, or renders useless or destroys it, he shall (except it is the contract ticket of a cabin passenger who consents) for each offence be liable to a fine not exceeding 20*l.*

Regulations as to Steerage Passengers.

324. Her Majesty may, by Order in Council, make regulations—

(i.) For preserving order, promoting health, and securing cleanliness and ventilation on board emigrant ships proceeding from the British Islands to any port in a British possession; and

(ii.) For prohibiting emigration from any port at any time when choleraic or any epidemic disease is generally prevalent in the British Islands or any part thereof; and

(iii.) For reducing the number of steerage passengers allowed to be carried in any emigrant ship, either generally or from any particular ports in the British Islands; and

(iv.) For permitting the use on board emigrant ships of apparatus for distilling water and for defining in such case the quantity of fresh water to be carried in tanks and casks for the steerage passengers under the foregoing provisions of this Part of this Act; and

(v.) For requiring duly authorized medical practitioners to be carried in emigrant ships where they would not otherwise under this Part of this Act be required to be carried.

325.—(1.) In every emigrant ship the medical practitioner aided by the master or, in the absence of the medical practitioner, the master, shall exact obedience to all regulations made by any such Order in Council as aforesaid.

(2.) If any person on board—

(a.) Fails without reasonable cause to obey, or offends against, any such regulation or any provision of this Part of this Act;

(b.) Obstructs the master or medical practitioner in the performance of any duty imposed upon him by any such regulation;

(c.) Is guilty of riotous or insubordinate conduct,

That person shall for each offence be liable to a fine not exceeding 2*l.*, and in addition to imprisonment for any period not exceeding one month.

326.—(1.) Spirits shall not during the voyage be sold or consumed indirectly in any emigrant ship to any steerage passenger.

(2.) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding 20*l.*

Maintenance after Arrival.

327.—(1.) Every steerage passenger in an emigrant ship shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage to sleep in the ship, and to be properly maintained on board thereof, in the same manner as if he were on voyage, unless within that period the ship leave the port of arrival for the further prosecution of her voyage.

(2.) If this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding 5*l.*

Detention and Wrongful Landing of Passengers.

328. Where a contract has been made by or on behalf of a steerage passenger for a passage in a ship proceeding from the British Islands to any port out of Europe and the Mediterranean Sea, or proceeding on any colonial voyage defined by this Part of this Act, and—

(i.) The steerage passenger is at the place of embarkation at the hour of 6 o'clock in the afternoon of the day of departure appointed in the contract; and

(ii.) The stipulated passage money has, if required, been paid;

Then if the steerage passenger from any cause whatsoever other than his own refusal, neglect, or default, or the prohibition of this Act of an emigration officer, or the requirement of the Council;

(a.) Is not received on board the ship before the sailing;

(b.) Having been received on board, does not either before or after the sailing take passage in the ship to the port at which he has contracted to take passage;

together with all the immediate members of his family who are included in the contract, obtain a passage to the same port in some other equally eligible ship to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate hereinafter provided ;

The steerage passenger, or any emigration officer on his behalf, may recover summarily all money paid by or on account of the steerage passenger for his passage, together with such further sum not exceeding 10*l.* in respect of each such steerage passenger as is in the opinion of the Court a reasonable compensation for the loss or inconvenience occasioned to the steerage passenger by the loss of his passage, and such money and sum may be recovered, either from any person to whom or on whose account any money has been paid under the contract, or if the contract has been made with the owner, charterer, or master of the ship, or with any person acting on behalf or by the authority of any of them, then, at the option of the steerage passenger or emigration officer, from the owner, charterer, or master, or any of them.

329.—(1.) If any ship, whether an emigrant ship or otherwise, does not actually put to sea and proceed on her intended voyage before 3 o'clock in the afternoon of the day next after the day of embarkation appointed in the contract, the owner, charterer, or master of the ship, or his agent, or any of them shall, until the ship finally proceeds on her voyage, pay to every steerage passenger entitled to a passage in the ship, or (if the steerage passenger is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port of embarkation, subsistence money at the following rate, that is to say :—

(a.) For each of the first ten days of detention, 1*s.* 6*d.* ; and

(b.) For every subsequent day, 3*s.* ;

For each statute adult.

(2.) Where the steerage passengers are maintained on board in the same manner as if the voyage had commenced—

(a.) Subsistence money shall not be payable for the first two days next after the said day of embarkation ; and

(b.) If the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of that period of detention.

330. If a steerage passenger is landed from any ship, whether an emigrant ship or not, at any port other than the port at which he has contracted to land, unless with his previous consent, or unless the landing is rendered necessary by perils of the sea or other

unavoidable accident, the master of the ship shall for ever be liable to a fine not exceeding 50*l*.

Provisions in case of Wreck.

331.—(1.) When any emigrant ship—

(a.) Has, while in any port of the British Islands, commenced the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and any passengers have been brought back to any port in the British Islands or

(b.) Has put into any port in the British Islands in a damaged state ;

The master, charterer, or owner of that ship shall, within eight hours thereafter, give to the nearest emigration officer an undertaking to the following effect, that is to say :—

(i.) If the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof shall cause to be conveyed and convey the steerage passengers in some other eligible vessel to sail within six weeks from the date of the undertaking, and for which their passage had been taken.

(ii.) If the ship has put into port in a damaged state, that the ship will be made seaworthy and fit in all respects for the completion of the voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers.

(2.) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, lodge and maintain them on board in the same manner as if they were at sea, or pay either to the steerage passengers or to the superintendent of the Board of Trade (to the emigration officer at the port, subsistence money at the rate of 1*s*. 6*d*. a week for each statute adult.

(3.) If the substituted ship, or the damaged ship, is not ready to sail, may be, does not sail within the above-mentioned time, or if default is made in compliance with any requirement of the emigration officer, any steerage passenger or any emigration officer on board the ship may recover summarily all money paid by or on account of the passage for the passenger from the person to whom or on whose behalf the same was paid, or from the owner, charterer, or master of the ship, at the option of the passenger or emigration officer.

(4.) The emigration officer may, if he thinks it necessary, cause that the steerage passengers be removed from any damaged ship at the expense of the master thereof, and if after removal any steerage passenger refuses to leave the ship, he shall be liable to a fine not exceeding 50*l*.

offence be liable to a fine not exceeding 40s., or to imprisonment not exceeding one month.

332. If any passenger, whether a cabin or a steerage passenger, is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions, and is damaged, wrecked, sunk, or otherwise destroyed, or if any such passenger is picked up at sea from any boat, raft, or otherwise, it shall be lawful—

(a.) If the port to which such passenger (in this Act referred to as a "wrecked passenger") is conveyed is in the United Kingdom, for a Secretary of State ; and

(b.) If the port is in a British possession for the Governor of that possession, or any person authorized by him for the purpose ; and

(c.) If the port is elsewhere, for the British Consular officer there ;

To defray all or any part of the expenses thereby incurred.

333.—(1.) If any passenger, whether a cabin or a steerage passenger, from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound, or at which he, or the Board of Trade, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful—

(a.) If the place is in a British possession, for the Governor of that possession, or any person authorized by the Governor for the purpose ; and

(b.) If the place is elsewhere, for the British Consular officer there ;

To forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of the passenger, gives to the Governor or Consular officer, as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination, and forwards or conveys him accordingly within that period.

(2.) A passenger so forwarded by or by the authority of a Governor or a British Consular officer shall not be entitled under this Part of this Act to the return of his passage money, or to any compensation for loss of passage.

334.—(1.) All expenses incurred under this Part of this Act by or by the authority of a Secretary of State, Governor of a British possession, or Consular officer, in respect of a wrecked passenger, or forwarding of a passenger to his destination, including the cost of maintaining the passenger, until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall be a

joint and several debt to the Crown from the owner and master of the ship on board of which the person embarked.

(2.) In any proceeding for the recovery of that debt purporting to be under the hand of a Secretary of State or Consular officer, and stating the circumstances of the total amount of the expenses, shall be admissible in the manner provided by this Act, and shall be sufficient evidence of the amount of the expenses, and of the fact that the same were incurred, unless the defendant specially pleads and proves that the certificate is false and fraudulent, or that the expenses were not duly incurred under this Act.

(3.) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to him or by him or on his account in respect of the whole number of passengers, whether cabin or steerage, who embarked in the ship.

335. A policy of assurance effected in respect of the passage or of any steerage passage or compensation payable to a person by this Part of this Act made liable, in the event of his death, to provide such passage or to pay such money, or in the event of other risk under this Part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be insured, or of the policy of assurance.

Voyages to the United Kingdom.

336.—(1.) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe or the Mediterranean Sea shall, within twenty-four hours after the arrival of the ship, deliver to the emigration officer at the port of arrival a list signed by the master, and specifying the name, age, sex, and every steerage passenger embarked, and the port from which he was embarked, and showing also any birth which has occurred on board the steerage passengers, and if any steerage passenger has died, his name and the supposed cause of his death.

(2.) If the master of a ship fails so to deliver the list, or if the list is wilfully false, he shall for each offence be liable to a fine not exceeding 50*l*.

337. If any ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea has on board a greater number of steerage passengers than is allowed by this Act in the case of emigrant ships, or if from the British Islands, the master of that ship

statute adult constituting such excess, be liable to a fine not exceeding 10*l*.

338.—(1.) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall issue to each steerage passenger during the voyage, including the time of detention, if any, at any port before the termination thereof, pure water and good and wholesome provisions in a sweet condition, in quantities not less than the amount required by this Part of this Act in the case of emigrant ships proceeding from the British Islands.

(2.) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding 50*l*.

Registration of Births and Deaths.

339. Where a ship which is not a British ship carries passengers, whether cabin or steerage, to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of Part II of this Act with respect to the registration of births and deaths occurring on board shall apply as if it were a British ship.

Saving of Right of Action.

340. Nothing in this Part of this Act shall take away or abridge any right of action which may accrue to a steerage passenger in any ship, or to any other person, in respect of the breach or non-performance of any contract made between, or on behalf of, such steerage passenger or other person and the master, charterer, or owner of any such ship, or his agent, or any passage broker.

Passage Brokers.

341.—(1.) Any person who sells or lets or agrees to sell or let, or is anywise concerned in the sale or letting of steerage passages in any ship proceeding from the British Islands to any place out of Europe not within the Mediterranean Sea shall, for the purposes of this Part of this Act, be a passage broker.

(2.) The acts and defaults of any person acting under the authority, or as an agent, of a passage broker, shall, for the purposes of this Act, be deemed to be also the acts and defaults of the passage broker.

342.—(1.) A person shall not act directly or indirectly as a passage broker, unless he—

(a.) Has entered, with two good and sufficient sureties by the emigration officer nearest to his place of business, joint and several bond to the Crown, in the sum of 1,000

(b.) Hold a licence for the time being in force to act as a broker.

(2.) The bond shall be renewed on each occasion of the licence, and shall not be liable to stamp duty; it shall be in duplicate, and one part shall be deposited at the office of the Board of Trade, and the other part with the said emigration officer.

(3.) The emigration officer may, in lieu of two securities, the bond of any guarantee Society approved by the Treasury.

(4.) There shall be exempted from this section—

(a.) The Board of Trade, and any person contracting with or acting under their authority; and

(b.) Any passage broker's agent duly appointed under the Act.

(5.) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding 50*l.*

343.—(1.) Application for a licence to act as passage broker shall be made to the licensing authority for the place in which the applicant has his place of business.

(2.) The licensing authority, upon the applicant proving to the satisfaction that he—

(a.) Has entered into and deposited one part of such bond as is required by this Act; and

(b.) Has given to the Board of Trade at least fourteen days notice of his intention to apply for a licence;

May grant the licence, and shall forthwith send to the Board of Trade notice of such grant.

(3.) The licensing authority shall be—

(a.) In the administrative County of London the Justices of the Peace at Petty Sessions;

(b.) Elsewhere in England, the Council of a county or county district;

(c.) In Scotland, the Sheriff; and

(d.) In Ireland, the Justices in Petty Sessions.

344.—(1.) A passage broker's licence shall, unless otherwise provided, remain in force until the 31st day of December in the year in which it is granted, and for thirty-one days afterwards.

(2.) Any Court, when convicting a passage broker of an offence under this Part of this Act or of any breach or non-performance of the requirements thereof, may order that his licence be forfeited, and the same shall be forfeited accordingly.

(8.) The Court shall forthwith send to the Board of Trade a notice of any such order.

345.—(1.) A passage broker shall not employ as an agent in his business of passage broker any person who does not hold from him an appointment, signed by the passage broker, and countersigned by the emigration officer at the port nearest to the place of business of the passage broker.

(2.) Every such agent shall, upon request, produce his appointment to any emigration officer, or to any person treating for a steerage passage under this Part of this Act.

(3.) If any person acts in contravention of this section he shall for each offence be liable to a fine not exceeding 50*l*.

346.—(1.) A passage broker shall keep exhibited in some conspicuous place in his office or place of business a correct list, in legible characters, containing the names and addresses in full of every person for the time being authorized to act as his agent or as an emigrant runner for him, and shall, on or before the fifth day, or, if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of that list, signed by him, to the emigration officer nearest to his place of business, and shall report to that emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty-four hours of the same taking place.

(2.) If a passage broker fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding 5*l*.

Emigrant Runners.

347. If any person other than a licensed passage broker or his *bond fide* salaried clerk, in or within five miles of the outer boundaries of any port, for hire or reward or the expectation thereof, directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage broker, or any owner, charterer, or master of a ship, or any keeper of a lodging-house, tavern or shop, or any money changer or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration, that person shall, for the purposes of this Part of this Act, be an emigrant runner.

348.—(1.) The licensing authority for passage brokers for the place in which a person wishes to act as an emigrant runner, and to carry on his business, may, upon his application and on the recommendation in writing of an emigration officer, or of the chief

constable or other head officer of police in such (otherwise), grant, if they think fit, to the applicant to act as emigrant runner.

(2.) The emigrant runner shall, within forty-eight days after his licence is granted, lodge the same with the nearest emigration officer, and that officer shall—

(a.) Register the name and abode of the emigrant runner in his registry book to be kept for the purpose, and number each licence in alphabetical order; and

(b.) Upon receipt of a fee, not exceeding 7s., deliver to the emigrant runner a badge of such form and description as the Board of Trade approve;

But in case of a renewed licence, the officer need not receive a fee, and shall renew the licence and its date in his registry book against the name of the emigrant runner's name.

(3.) An emigrant runner's licence shall remain in force until the 31st day of December in the year in which it is granted, and shall be sooner revoked by any Justice for any offence against the provisions of this Act, or any other misconduct committed by the holder of such licence, or unless forfeited under the provisions hereinafter contained.

(4.) When an emigrant runner changes his abode, the emigration officer shall register the change in his registry book.

349. Where an emigrant runner, either satisfies the emigration officer for the port in which he is licensed to act that his badge is lost, or delivers his badge up to such officer in a damaged or defaced state, and in either case pays such officer a sum of money, may, if he thinks fit, supply him with a new badge.

350.—(1.) A person shall not—

(a.) Act as an emigrant runner without being duly registered; or

(b.) Retain or use any emigrant runner's badge not lawfully issued in manner by this Act required; or

(c.) Counterfeit or forge any emigrant runner's badge;

(d.) Employ as an emigrant runner any person not lawfully registered.

(2.) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding 5*l*.

351.—(1.) An emigrant runner—

(a.) Shall, while acting as an emigrant runner, wear a badge conspicuously on his breast; and

(b.) Shall lodge his licence with the emigration officer of the port by this Act; and

(c.) On changing his abode shall, within forty-eight days, give notice of the change to the emigration officer of the port in which he is licensed to act; and

losing his badge shall, within forty-eight hours, give the emigration officer of the loss; and
 shall produce, on demand, his badge for inspection, or permit to take the number thereof; and
 shall not mutilate or deface his badge; and
 shall not wear his badge while unlicensed; and
 shall not wear any other badge than that delivered to him by the emigration officer; and

shall not permit any other person to use his badge.
 If an emigrant runner fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding 10s., and, if the Court thinks fit, to the forfeiture of his badge.

3. An emigrant runner shall not be entitled to recover from a passage broker any fee, commission or reward for or in connection with any service connected with emigration, unless he is acting under the written authority of that passage broker.

4. An emigrant runner shall not take or demand from any person who wishes to emigrate any fee or reward for procuring his passage, or in any way relating thereto, and if he does so he shall for each offence be liable to a fine not exceeding 5l.

Frauds in procuring Emigration.

5. Any person who, by any false representation, fraud, or false inducement, induces any person to engage a steerage passage in any ship shall for each offence be liable to a fine not exceeding 20l.

6. Any person—

who falsely represents himself to be, or falsely assumes to act as, an agent of the Board of Trade in assisting persons who desire to emigrate;

who issues any form of application, embarkation order, or other document or paper issued by the Board of Trade or by a Secretary of State for the purpose of assisting persons who desire to emigrate;

who makes any false representation in any such application for or to the Board of Trade or a Secretary of State, or in any document or paper of marriage, birth, or baptism, or other document, or induces in support of any such application; or

who fraudulently alters any signature or statement in any such application, certificate, document, or statement, or person named therein; or

who abets any person in committing any of the foregoing

That person shall, for each offence, be liable to a fine not exceeding 50*l*.

Emigration Officers.

355.—(1.) In the British Islands the Board of Trade may remove or suspend from British possession the Governor of that possession and remove such emigration officers and assistant emigration officers as seem necessary for carrying this Part of the Act into execution, under the direction of the Board or Governor, in any case which may be.

(2.) All powers, functions, and duties to be exercised by any officer formed, and anything to be done in pursuance of this Act by, to, or before an emigration officer may be exercised by, to, or before his assistant, or by, to, or before the chief officer of Customs for the port, where there is no emigration officer or assistant, or in any such case it shall be the duty of the chief officer of Customs to do anything which it is the duty of the emigration officer or his assistant to do.

(3.) A person lawfully acting as an emigration officer shall in no case be personally liable for the payment of money or costs or otherwise in respect of any proceedings of any legal proceedings for anything done, by him in his capacity as an emigration officer and on the public service.

Legal Proceedings.

356. All fines and forfeitures under the provisions of this Act (other than the provisions relating to passengers only) shall be sued for by the following officers (that is to say):—

- (a.) Any emigration officer;
- (b.) Any chief officer of Customs; and also
- (c.) In the British Islands, any person authorized by the Board of Trade and any officer of Customs authorized by the Board of Customs; and

(d.) In a British possession any person authorized by the Board of Trade of that possession, or any officer of Customs authorized by the Government Department regulating the Customs in that possession.

357. All sums of money made recoverable by this Act in respect of passage money, subsistence money, or costs may be sued for and recovered in the Court of Summary Jurisdiction by any person entitled to sue by any of the officers in the last preceding section.

behalf of any one or more of such persons, and in any case either by one or several proceedings.

358. "The Public Authorities Protection Act, 1893," shall, for the purposes of the provisions of this Part of this Act (other than the provisions relating to passenger steamers only), apply to the whole of Her Majesty's dominions, and to every place where Her Majesty has jurisdiction.

Supplemental.

359.—(1.) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this Part of this Act made liable in respect of any default in complying with any requirement thereof.

(2.) If any person so made liable pays any money by this Part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs.

360.—(1.) The forms set out in the Fourteenth Schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all cases to which such forms are applicable.

(2.) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in Part II of the Ninth Schedule to this Act not exceeding those specified therein.

(3.) If any person employed under this Part of this Act demands or receives, directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any duty performed by him under this Part of this Act, he shall, for each offence, be liable to a fine not exceeding 50*l*.

361.—(1.) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this Part of this Act, and of any Order in Council made thereunder, and four copies of the abstracts, together with a copy of this Part of this Act, shall, on demand, be supplied by the chief officer of Customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession.

(2.) The master shall, on request, produce a copy of this Part of this Act to any steerage passenger for his perusal, and shall, before the embarkation of the steerage passengers, post copies of the abstracts in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them

posted so long as any steerage passenger is entitled to the ship.

(3.) The master shall be liable to a fine not exceeding every day during any part of which by this act or default copies of the abstracts fail to be so posted.

(4.) If any person displaces or defaces any copy of the abstracts posted under this section, he shall, for each offence, be liable to a fine not exceeding 40s.

362.—(1.) The authority having the control of any docks or basins at any port in the British Islands from which emigrants are dispatched, may, with the approval of a Secretary of State, make bye-laws—

(a.) For specifying the docks, basins, or other places to which persons arriving by sea at the port for the purpose of emigrating actually emigrating therefrom, shall be landed and embarked;

(b.) For regulating the mode of their landing and embarkation;

(c.) For the storing and safe custody of their luggage;

(d.) For licensing porters to carry their luggage and to attend upon them; and

(e.) For admitting persons to and excluding persons from the docks and basins.

(2.) The authority may attach a fine not exceeding 5l. for breach of any such bye-law, and instead of an emigration officer the authority shall sue for and recover the fine.

(3.) The authority making a bye-law under this section shall empower their officers or servants or by any constable, arrest without warrant any person charged with a breach of the bye-law, and detain him until he can be brought before a Justice of the Peace, who the Justice may try the case in a summary manner.

(4.) A bye-law made under this section shall be published in the "London Gazette."

363. Where a foreign ship is a passenger steamer or a ship within the meaning of this Part of this Act, and the Customs and Trade are satisfied, by the production of a foreign certificate of survey attested by a British Consular officer at a port in Her Majesty's dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of the Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, or grant or direct one of their officers to grant a certificate of compliance, which shall have the same effect as if given upon survey under this Act:

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey

at which it appears to Her Majesty that corresponding advantages are not extended to British ships.

Application of Part III as regards Emigrant Ships.

364. The provisions of this Part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe, and not within the Mediterranean Sea.

365.—(1.) This Part of this Act, so far as the same is applicable, shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this Part of this Act, provided that the enactments thereof relating to—

- (a.) Master's bond ;
- (b.) Steerage passengers' contract tickets ;
- (c.) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation ;
- (d.) Passage brokers ;
- (e.) Emigrant runners ; and
- (f.) Posting of abstracts, and production of a copy, of this Part of this Act ;

Shall not apply.

(2.) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks, the enactments relating to—

- (a.) The Regulations scheduled to this Act as to the accommodation for steerage passengers ;
- (b.) Medical practitioner, stewards, cooks, cooking apparatus, and manning with an efficient crew ; and
- (c.) Maintenance of steerage passengers after arrival ;

Shall also not apply.

(3.) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks, the enactments relating to the issue of provisions shall not, except as to the issue of water, apply to any steerage passenger who has contracted to furnish his own provisions.

366.—(1.) The Governor of a British possession may by proclamation—

- (a.) Determine what shall be deemed, for the purposes of this Part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port ; and
- (b.) Fix dietary scales for steerage passengers during the voyage ; and
- (c.) Declare what medical stores shall be deemed necessary for

the medical treatment of the steerage passengers during the voyage.

(2.) Every such Proclamation shall take effect from the date thereof, and shall have effect without as well as within the possession, as if enacted in this Part of this Act.

(3.) The Governor of a British possession may authorise any persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.

(4.) The Governor of a British possession may authorise any competent person to act as medical practitioner on board any emigrant ship proceeding on a colonial voyage.

367.—(1.) The Governor of each of the Australasian Colonies, that is to say, New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, New Zealand, and any other Colony hereafter established in Australia, may, by Proclamation, make such rules as he thinks proper for determining the number of passengers to be carried in any emigrant ship proceeding from any of such colonies to any other of those colonies, and for determining on what deck or decks, and subject to what reservations or conditions, steerage passengers may be carried in such ship.

(2.) The Governor of any British possession may, if he thinks fit, declare by Proclamation that ships intended to pass through the Tropics from any port in such possession may convey a limited number of passengers, being natives of Asia or Africa, after the rate of one passenger for every 12 superficial feet of the passenger deck instead of the rate specified in the Tenth Schedule to this Act.

(3.) Every such Proclamation shall take effect from the date thereof, or such other day as may be named therein, and shall have effect without as well as within the possession, as if it were enacted in this Part of this Act in substitution as respects the said provisions of the Tenth Schedule to this Act.

(4.) The provisions of the Tenth Schedule to this Act relating to the number of superficial feet to be allowed for each steerage passenger shall not apply to any ship proceeding from any port in the Island of Ceylon to any port in British India, or from the Gulf of Manar or Palk's Straits, and the Legislature of Ceylon may regulate by law the number of steerage passengers which may be carried on board such ships.

368.—(1.) The provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India, except as in this section provided.

(2.) The Governor-General of India in Council may, if he thinks fit, pass a resolution for the purpose, declare that all or any provisions of this Part of this Act shall apply to British India, except as in this section provided.

is Act shall apply to the carriage of steerage passengers
voyage from any specified port in British India to any
ified port whatsoever; and may for the purposes of this
is Act—

x dietary scales for the voyage, and authorize the substitu-
ose scales for the scale enacted by this Act;

etermine what shall be deemed to be the length of any such

etermine the persons or officers who in British India shall
ace of emigration officers and officers of Customs in the
ands;

elare the space necessary for steerage passengers, and the
ch two children shall be treated as one statute adult in
ing out from any port in British India; and

thorize the employment on board any ship of a medical
r duly qualified according to Indian law; and

rovide for the recovery and application in British India of
ums of money under this Part of this Act;

he provisions of any such Act while in force shall have
out as well as within British India as if enacted by

rovided that any such Act shall be of no effect under this
ess it be reserved for the signification of Her Majesty's
ereon, or contain a suspending clause providing that the
not come into operation until Her Majesty's pleasure
been publicly signified in British India.

PART IV.—FISHING-BOATS.

Application of Part IV, &c.

1.) This Part of this Act relates partly—

all fishing-boats and to the whole fishing service; and

all fishing-boats of 25 tons tonnage and upwards; and

fishing-boats being trawlers of 25 tons tonnage and
and, where so expressly provided, to fishing-boats being
whatever tonnage.

the Board of Trade may, by order published in the "London

tempt from the date in the order mentioned any class of
ler or trawlers belonging to any port from the whole or
n of this Part of this Act, and

(b.) Extend all or any of the provisions of this Part to any fishing-boats referred to in the order;

And may revoke or alter any such order by an order in like manner, but such order shall not extend to any of the following relating to the fishing-boat register, or to the boats and boatsmen to be carried on fishing-boats.

(3.) The Board of Trade may, before making any order under this section, institute such inquiry as in their opinion may be required for enabling them to make the order, by such person as the Board may appoint, and the person so appointed shall for the purpose of the inquiry have all the powers of a Board of Trade Inspector under this Act.

(4.) The provisions of this Act with respect to fishing-boats being trawlers shall, save as otherwise expressly provided, apply to vessels employed as tenders or carriers to fishing-boats for the purpose of collecting and conveying to the land the catch of the boats.

370. In this Part of this Act, unless the context otherwise requires—

The expression “fishing-boat” means a vessel of whatever size and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service, but save as otherwise expressly provided, that expression shall not include a vessel employed for catching fish otherwise than for profit.

The expression “second hand” means, with respect to a fishing-boat, the mate or person next to the skipper in authority or command on board the boat.

The expression “voyage” shall mean a fishing trip or excursion with a departure from a port for the purpose of fishing, and with the first return to a port thereafter upon the conclusion of the trip; but a return due to distress only shall not be deemed a return, if it is followed by a resumption of the trip.

371.—(1.) The tonnage of a fishing-boat for the purposes of this Part of this Act shall be taken to be in the case of a steam fishing-boat her gross tonnage, but in any other case her register tonnage.

(2.) Where a fishing-boat is registered under Part I of this Act, her gross or register tonnage as ascertained for the purposes of the registry shall be her gross or register tonnage for the purposes of this Part of this Act.

(3.) Where a fishing-boat is not so registered a certificate issued by a surveyor of ships under this Act stating her gross tonnage, ascertained as in the case of a ship registered under this Act, shall be conclusive of that tonnage.

372. This Part of this Act shall not, except where otherwise expressly provided, apply to Scotland, or to any British port.

(1.) PROVISIONS APPLYING TO ALL FISHING-BOATS AND TO THE
WHOLE FISHING SERVICE.

The following sections shall apply to all fishing-boats and the whole fishing service:—

Fishing-boats Register.

373.—(1.) This section shall apply to the British Islands, and to all British fishing-boats, including those used otherwise than for profit, and the expression "fishing-boat" in this section shall be construed accordingly.

(2.) Subject to any exemptions made by the regulations under this section, every fishing-boat shall be lettered and numbered and have official papers, and shall for that purpose be entered in the fishing-boat register.

(3.) If a fishing-boat required to be so entered is not so entered, she shall not be entitled to any of the privileges or advantages of a British fishing-boat, but all obligations, liabilities, and penalties with reference to that boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and Courts, shall be the same as if the boat were actually so entered.

(4.) If a fishing-boat required to be entered in the fishing-boat register is not so entered, and is used as a fishing-boat, the owner and skipper of such boat shall each be liable, for each offence, to a fine not exceeding 20*l.*, and the boat may be detained.

(5.) Her Majesty, by Order in Council, may make regulations for carrying into effect and enforcing the entry of fishing-boats in the fishing-boat register, and any Convention with a foreign country relative to the registry, lettering, and numbering of fishing-boats, which is for the time being in force by virtue of any Statute, and may by such regulations—

(a.) Adopt any existing system of registry or lettering and numbering of boats, and provide for bringing any such system into conformity with the requirements of this Act and of any such Convention and the regulations; and

(b.) Define the boats or classes of boats to which the regulations or any of them are to apply, and provide for the exemption of any boats or classes of boats from the provisions of this section, and from the regulations or any of them; and

(c.) Apply to the entry of fishing-boats in the fishing-boat register, and to all matters incidental thereto, such (if any) of the enactments contained in this or any other Act relating to the registry

of British ships, and with such modifications and alterations as may be found desirable; and

(d.) Impose fines not exceeding 20*l.* for the breach of regulations which cannot be punished by the application of those enactments.

(6.) Section 26 of "The Sea Fisheries Act, 1868,"* and sections 14 to 14 of "The Sea Fisheries Act, 1883,"† shall apply in relation to the fishery as if those sections referred to this section and an Order made thereunder, in substitution for sections 22 to 24 of the Sea Fisheries Act, 1868," and any Order in Council made under those sections.

(7.) Section 176 of "The Customs Consolidation Act, 1869," shall not apply to any fishing-boat entered in the register in pursuance of this Act.

374. In all legal proceedings against the owner or any person belonging to, any boat entered in the register, either for an offence against the fishery regulations as to lights in "The Sea Fisheries Act, 1868," or for an offence against "The Sea Fisheries Act, 1883," or for the recovery of damages for injury done by such boat, the register shall be conclusive evidence that the persons entered therein at that date were owners of the boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that—

(a.) This enactment shall not prevent any proceedings being instituted against any person not so entered who is interested in the boat; and

(b.) This enactment shall not affect the rights of any person among themselves, or the rights of any owner entered in the register against any person not so entered who is beneficially interested in the boat; and

(c.) Save as aforesaid, entry in the fishing-boat register shall not confer, take away, or affect any title to, or interest in, any fishing-boat.

375.—(1.) A fishing-boat entered in the fishing-boat register, whether used for profit or not, shall not proceed to sea or to port in the United Kingdom—

(a.) If she is decked, unless she is provided according to the regulations with boats duly supplied with all requisites for use, being fewer in number nor less in their cubic content than that specified in the Fifteenth Schedule to this Act in relation to the class to which the fishing-boat belongs; and

(b.) If she carries more than ten passengers, unless she is, in addition to the above boats, provided with two life-buoys.

* Vol. LXXIV, page 199.

† Vol. LX, page 1.

‡ 39 & 40 Vict., c. 36.

vided either with a life-boat furnished with all requisites for use, or has one of her boats rendered buoyant after the manner of a life-boat ;

And such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

(2.) In any of the following cases—

(a.) If any such fishing-boat proceeds to sea without being provided with such boats or life-buoys ; or

(b.) If any such boat or life-buoy is lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or skipper ; or

(c.) If in case of any such boat or life-buoy being accidentally lost or injured in the course of the voyage the skipper fails without reasonable cause to replace or repair the same on the first opportunity ; or

(d.) If any such boat or life-buoy is not kept so as to be at all times fit and ready for use ;

Then, if the owner appears to be in fault, he shall for each offence be liable to a fine not exceeding 100*l.*, and if the skipper appears to be in fault, he shall for each offence be liable to a fine not exceeding 50*l.*

(3.) A fishing-boat required under this section to be provided with boats and life-buoys may be detained until she is duly so provided.

Discipline.

376.—(1.) If a seaman lawfully engaged to serve in any fishing-boat, or an apprentice in the sea-fishing service, commits any of the following offences, that seaman or apprentice shall be liable to be punished summarily as follows :—

(a.) For the offence of desertion : he shall be liable to forfeit all or any part of the effects he leaves on board, and all or any part of the wages which he has then earned, and to satisfy any excess of wages paid by the skipper or owner of the fishing-boat from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him ;

(b.) For the offence of absence without leave, that is to say, for neglecting or refusing without reasonable cause to join or to proceed to sea in his fishing-boat, or for being absent without leave at any time within twenty-four hours of his boat's sailing from any port, either at the commencement or during the progress of the engagement, or for being absent at any time without leave and without sufficient reason from his boat : if the offence does not amount to desertion, or is not treated as such by the skipper, he shall be liable to forfeit a sum not exceeding two days' wages, and in addition for every twenty-four hours of absence, either a sum not exceeding four

days' wages, or any expenses properly incurred in respect of a substitute;

(c.) For the offence of wrongfully quitting the boat, say, for quitting the boat without leave after her arrival in port before she is placed in security, he shall be liable to imprisonment not exceeding two weeks' wages;

(d.) For the offence of wilful disobedience, that is to say, wilfully disobeying any lawful command during the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, and also to forfeit a sum not exceeding two days' wages;

(e.) For the offence of continued breach of duty, that is to say, for continued wilful disobedience to lawful commands during the engagement, or continued wilful omission to do his duty during the engagement, he shall be liable to imprisonment for any period not exceeding twelve weeks, and also to forfeit for every twelve hours' continuance of the offence either a sum not exceeding two days' wages or any expenses properly incurred in respect of a substitute;

(f.) For the offence of assault, that is to say, for assaulting the skipper or second hand, he shall be liable to imprisonment for any period not exceeding twelve weeks;

(g.) For the offence of unlawful combination, that is to say, for combining with any one or more of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the boat, or the progress of the trip, he shall be liable to imprisonment for any period not exceeding twelve weeks;

(h.) For the offence of wilful damage, that is to say, for wilfully damaging the boat or embezzling or wilfully damaging the stores or cargo, he shall be liable to forfeit a sum equal in value to the loss thereby sustained, and also to imprisonment for any period not exceeding twelve weeks;

(i.) For the offence of smuggling, that is to say, for smuggling of which he is convicted and which caused loss to the skipper or owner, he shall be liable to forfeit a sum equal to reimburse that loss or damage.

(2.) A skipper shall be liable to punishment for the offence of desertion, absence without leave, wrongfully quitting the boat, wilful damage, and smuggling, as if he were a seaman.

(3.) The Court before whom any skipper, seaman, or other person is convicted of an offence under this section may order the sum forfeited for that offence to be deducted from his wages, and the Court (if they think fit) may order the forfeiture to be applied for the benefit of the person by whom the wages are payable, or of the person injured by the commission of the offence.

(4.) The provisions of this section relating to the offence of wilful disobedience, continued breach of duty, assault, and

combination shall extend to apprentices in the sea-fishing service, and to sea-fishing boys as hereinafter defined, whether on shore or on board.

(5.) A seaman or apprentice shall not be relieved by his refusal or neglect to go to sea, or by his desertion, from being liable to punishment under this section for an offence of wilful disobedience, continued breach of duty, or unlawful combination, and in addition to any such punishment shall also be liable to be punished for the offence of desertion or absence without leave.

(6.) Any imprisonment under this section may be with or without hard labour.

377.—(1.) Nothing in the last preceding section shall take away or limit any remedy by action or before a Court of Summary Jurisdiction which an owner or skipper would otherwise have for any breach of contract in respect of the matters constituting an offence under that section, but no owner or skipper shall be compensated more than once in respect of the same damage.

(2.) Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice in the sea-fishing services may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

378. All effects and wages which are, under this Part of this Act, forfeited for desertion shall be applied first in reimbursing the expenses occasioned by such desertion to the skipper or owner of the boat, and, subject to that reimbursement, shall be paid into the Exchequer, and carried to the Consolidated Fund; and any Court having cognizance of any proceedings in relation thereto may order the same to be applied accordingly, and where the effects forfeited do not consist of money, may order the same to be sold, and the proceeds of the sale to be applied in manner aforesaid.

379. Whenever any seaman or apprentice is brought before any Court charged with the offence (under this Part of this Act) of desertion or of absence without leave, or with otherwise absenting himself from his boat without leave, the Court may, at the request of the owner or skipper or his agent, in addition to, or in lieu of, imposing any punishment to which he may be liable, cause him to be conveyed on board for the purpose of fulfilling his engagement, or deliver him to the skipper to be so conveyed by him, and may order any costs or expenses properly incurred to be paid by the offender, and, if necessary to be deducted from any wages which he has then earned, or which he may thereafter earn under his engagement.

380.—(1.) Any of the following officers, namely :—

(a.) A Superintendent ; or

(b.) The principal Board of Trade officer at a port or his deputy ;

May, on the information (made, if the officer so require) of the owner, skipper, second hand, or agent of a fishing-boat, issue a warrant under his hand in the form approved by the Board of Trade for the apprehension of any seaman or apprentice with the offence (under this Part of this Act) of desertion without leave, wilful disobedience, continued breach of contract, or unlawful combination.

(2.) Such warrant shall be executed by any constable of the county, borough, or place where the offender may be found, and shall continue in force for ninety-six hours from the time of its issue, or until the warrant by the officer issuing the same.

(3.) The seaman or apprentice when apprehended shall be brought by the constable without delay before some officer of the Board of Trade, who shall issue a warrant under his hand in the form approved by the Board of Trade, and then and there inquire into the case, and if the explanation given by the seaman or apprentice is, in his opinion, sufficient, shall release him, but, if not, shall order him to join his boat and resume his service.

(4.) If the seaman or apprentice refuses to obey the order of the officer, the officer shall order him to be detained and to be brought before a Court of Summary Jurisdiction. The Court shall hear and determine in due course of law any charge made against him by the information on which he has been apprehended.

(5.) An information laid before an officer under this section shall not be reduced to writing.

(6.) An officer acting under this section may take (if he thinks fit, on oath) of any person other than the seaman or apprentice charged who is able and willing to give information as to the matters in question, and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

(7.) A warrant issued under this section shall be valid only if it is in the form approved by the Board of Trade and filled in in accordance with the directions contained in the form, and is signed, and shall not be invalidated by the officer who issued it dying or ceasing to hold office.

381. If a seaman or apprentice engaged or liable to serve on board any fishing-boat neglects or refuses to join, or deserts, or refuses to proceed to sea in, or absents himself without leave from that fishing-boat, the skipper, owner, or agent of the boat may, with or without the assistance of the local constables, give their assistance in these cases when required by

owner, or agent) take the seaman or apprentice before some officer by whom a warrant can be issued for his apprehension under this Part of this Act, who shall deal with him as if apprehended under such a warrant.

382.—(1.) If a seaman (not being a sea-fishing boy as defined by this Act) or a skipper intends to absent himself from his fishing-boat or his duty, he may, when not at sea, give notice of his intention, if a skipper to the owner of the boat or the owner's agent, and if a seaman either to the owner or to the skipper, not less than forty-eight hours before the time at which he ought to be on board.

(2.) When such notice is duly given the skipper or seaman shall not be compelled to go or be brought on board for the purpose of proceeding with the voyage or engagement.

383.—(1.) The wages of a skipper, seaman, or apprentice of a fishing-boat shall accrue from day to day.

(2.) When wages are contracted for by the voyage or trip or the season or by the share, and not by a stated period of time, the amount accruing from day to day shall be an amount equal to the wages for the whole voyage or trip or season, or the whole share (as the case may be), divided by the number of days occupied in the voyage or trip or season; but a skipper, seaman, or apprentice shall not be entitled to more than what his share of the profits or catch made during the period he has actually served may or would have amounted to.

(3.) Where the whole time spent in the voyage or trip does not exceed the period for which the wages are to be forfeited, the forfeiture shall extend to the whole wages or share.

384.—(1.) Whenever a question arises before a Court whether the wages of any skipper, seaman, or apprentice of a fishing-boat are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to show that the skipper, seaman, or apprentice was duly engaged and belonged to the boat, and left the boat before the completion of the voyage or engagement.

(2.) The desertion shall thereupon, so far as relates to any forfeiture of wages, be deemed to be proved, unless the skipper, seaman, or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court that he was not guilty of desertion.

Provisions as to Deaths, Injuries, Ill-treatment, Punishments, and Casualties in Fishing-boats.

385.—(1.) The skipper of a fishing-boat shall keep a record of the following occurrences, namely:—

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(i.) Of every death, injury, ill-treatment, or punishment of any member of his boat's crew while at sea or of any person on board his boat; and

(ii.) Of every casualty to his fishing-boat or any boat belonging to her.

(2.) The skipper shall produce the record so kept to the Superintendent when required by him, and shall also send a copy to the Superintendent at the port to which the boat belongs, at the periods as the Board of Trade require by any directions in the forms approved by them.

(3.) If any such occurrence has happened in the case of any boat, the skipper of the boat shall make to the Superintendent at the port where his boat's voyage ends, within twenty-four hours of the boat's arrival at that port, a report of the occurrence.

(4.) The record and report under this section shall be in such form and contain such particulars as the Board of Trade may require.

(5.) If a skipper fails without reasonable cause to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding 20*l*.

386.—(1.) Where any such occurrence as in the last section mentioned happens or is supposed to have happened, the Superintendent at or nearest to the port at which the fishing boat arrives after the occurrence, or to which the boat belongs, shall inquire into the cause and particulars of the occurrence, and report as to the occurrence is made to him in pursuance of this section, may make on the report an indorsement either to the effect that in his opinion the particulars in the report are true, or otherwise, or to the effect as in his opinion his information warrants.

(2.) For the purpose of the inquiry, a Superintendent shall have all the powers of a Board of Trade Inspector under this Act.

(3.) If in the course of the inquiry it appears to the Superintendent that any such occurrence as aforesaid has been caused or accompanied by violence or the use of any improper means, he shall report the matter to the Board of Trade, and shall also, in case of emergency of the case in his opinion so requires, take such steps for bringing the offender to justice, and may for that purpose, if, in his discretion, he thinks it necessary, cause him to be taken into custody, and thereafter dealt with in due course of law.

Settlement of Disputes.

387.—(1.) A Superintendent shall inquire into, hear, and settle any dispute, either between the owner of a fishing-boat and a skipper or a seaman of the boat, or between the skipper of a boat and any seaman of the boat concerning—

(i.) The skipper's or seaman's wages or his share in the profits of the voyage or trip or a fishing catch, or any deduction therefrom or

(ii.) The skipper's or seaman's engagement, service, or discharge; or

(iii.) The cost, quantity, or quality of the provisions supplied to the crew;

If any party to the dispute calls on him to decide it, and his decision thereon shall be final and binding on all persons.

(2.) The decision shall, on the request of any party to the dispute, be put into writing, and any such written decision, if purporting to be signed by the Superintendent, shall be admissible in evidence in manner provided by this Act.

(3.) The decision may be enforced by any Justice of the Peace within whose jurisdiction the person or goods of any one against whom the decision is given may be found, in the same manner as if the decision were an order made by a Court of Summary Jurisdiction, and a skipper or seaman may also recover any sum adjudged due to him by any such decision as if it were wages.

(4.) A Superintendent for the purpose of hearing and determining any such dispute shall have all the powers of a Board of Trade Inspector under this Act.

Provisions for ascertaining Profits of Fishing-boats.

388.—(1.) Where a skipper or any other member of the crew of a fishing-boat is paid by a share in the catch, the owner of the boat shall render to him a full and true account, in a form approved by the Board of Trade, showing in detail the amounts for which the fish have been sold, and all deductions from those amounts which are chargeable in any respect to the men who are paid by share, and are made either in respect of stores supplied to the fishing-boat, or provisions furnished to the crew or otherwise.

(2.) If the owner of a fishing-boat fails without reasonable cause to comply with the foregoing provisions of this section, he shall for each offence be liable to a fine not exceeding 5*l*.

(3.) If a dispute arises as to the share of the catch, the skipper or seaman shall be entitled to inspect at all reasonable times the owner's accounts and books relating to the catch, and if the owner of a fishing-boat upon demand fails without reasonable cause to submit his accounts or books at a reasonable time to such inspection, he shall for each offence be liable to a fine not exceeding 20*l*.

Agreements for Fishing Vessels in Scotland.

389.—(1.) The owner or skipper of any British vessel in fishing off the coast of the United Kingdom may enter into an agreement with any person employed on that vessel that the latter shall be remunerated wholly by a share in the profit of the adventure.

(2.) Every such agreement shall be in writing, signed by the contracting parties in the presence of a competent person.

(3.) The Superintendent shall, before the agreement is made, read and (if necessary) explain the same to the contracting parties, and shall attest the signature of the agreement, and certify that it has been read to, and agreed to, by the contracting parties.

(4.) Any such agreement, if made in manner prescribed by this section, shall be valid and binding on all the contracting parties, and shall have effect notwithstanding anything in any other Act.

(5.) This section shall only apply to Scotland.

Fees and Control of Superintendents.

390.—(1.) The Board of Trade may fix the fees to be paid upon engagements or discharges of members of the crew of fishing-boats when effected before a Superintendent; and a Superintendent may refuse to proceed with any such engagement or discharge unless the fee payable thereon has first been paid.

(2.) All fees so paid shall be carried to the credit of the Marine Fund.

391. All Superintendents shall, in carrying into effect the provisions of this Part of this Act other than those relating to the fishing-boat register, be subject to the control of the Board of Trade in all directions given by the Board of Trade.

(II.) PROVISIONS APPLYING TO ALL FISHING-BOATS
OF TEN TONNAGE AND UPWARDS.

The following sections shall apply to all fishing-boats of ten tonnage and upwards:—

Apprenticeship and Agreements with Boys.

392. A boy under the age of 13 years shall not be taken on board a fishing-boat for apprenticeship to the sea-fishing service or agreement with that service, and an indenture of apprenticeship or agreement contrary to this section shall be void.

393.—(1.) A boy under the age of 16 years shall not be taken to sea for the purpose of serving in any capacity connected with the sea-fishing service unless he is bound by an indenture of apprenticeship or agreement made in conformity with this Part of this Act, and a boy bound by any such agreement is in this Act referred to as a sea-fishing boy.

(2.) If any person takes a boy to sea, or causes a boy to be taken to sea, in contravention of this section, that person shall be liable to a fine not exceeding 20*l*.

(3.) Boards of Guardians in apprenticing boys to the sea-fishing service shall not cause or permit any such apprenticeship to be made except in conformity with this Part of this Act.

(4.) Nothing in this Part of this Act shall prevent the daily employment in a fishing-boat of any boy under the age of 16 years, who is under no obligation to remain in that employment for a longer period than one day, and with whom no written agreement has been made.

394. All Superintendents shall give to persons desirous of making indentures of apprenticeship to the sea-fishing service or agreements under this Part of this Act, or of causing the same to be made, such assistance as may be in their power in reference thereto, and shall supply forms of indentures or agreements at such reasonable rates (if any) as the Board of Trade may fix, and may receive such fees in respect of those indentures or agreements as the Board of Trade may fix.

395.—(1.) Indentures of apprenticeship to the sea-fishing service, and agreements with boys under the age of 16 years with respect to that service, shall be made before a Superintendent, and be in accordance with this Act, and every such indenture or agreement not so made shall be void.

(2.) A Superintendent, before allowing any such indenture or agreement to be completed, shall satisfy himself—

(a.) That the indenture or agreement complies with all the requirements of this Part of this Act; and

(b.) That the master with whom the indenture or agreement is made is a fit person for the purpose; and

(c.) That the apprentice or boy is not under the age of 13 years, and is of sufficient health and strength; and

(d.) That the nearest relations of the apprentice or boy or his guardians assent, in the case of an apprentice, to the apprenticeship, and to the stipulations in the indenture of apprenticeship, and, in the case of a boy, to the stipulations of the agreement;

And shall make and sign an endorsement that he is so satisfied on the indenture or agreement.

(3.) Where there are no nearest relations or guardians, or where

they cannot readily be found, or are not known, the Superintendent shall act as guardian for the occasion, and state in his report that he has so acted.

(4.) The Superintendent's endorsement shall be admissible as evidence in manner provided by this Act.

(5.) The indentures of apprenticeship and agreements shall be in such form, and contain such covenants, provisions, and endorsements, and certificates as are prescribed by the Council made on the recommendation of the Board of Trade, and any directions given in the forms so prescribed shall be complied with.

(6.) The indentures and agreements shall be executed in duplicate, one of which shall be kept by the master, one by the Superintendent before whom it is made.

(7.) All such indentures and agreements made in conformity with this Part of this Act shall be exempt from stamp duty.

396.—(1.) Where an indenture of apprenticeship to sea-fishing service, or any agreement with a sea-fishing boy, is made before a Superintendent at a port, the Superintendent at the time being at that port may, by proper legal proceedings in his own name, enforce on behalf of the apprentice or boy against the master any stipulations in that indenture or agreement.

(2.) Where an apprentice or boy is taken to sea from a port under an indenture or agreement which is void, the Superintendent at that port, or, if there is none, the Superintendent at the nearest port, may, by proper legal proceedings taken in his own name, enforce, to such extent as he thinks just, on behalf of the apprentice or boy against the master, any stipulation in the void indenture or agreement which is in favour of the apprentice or boy.

(3.) Any sums recovered by a Superintendent under the provisions of this Act may, so far as necessary, be applied by him in payment of the costs of recovering the same.

397. Where an indenture of apprenticeship to the sea-fishing service, or an agreement with a sea-fishing boy, is made before a Superintendent at any port, the Superintendent at that port shall have, and when necessary shall exercise, the powers given to the Superintendent by the indenture or agreement.

398. If any person—

(a.) Receives any money or valuable consideration from any person to whom an apprentice in the sea-fishing service is bound, or to whom a sea-fishing boy is bound by any agreement, or from one on that person's behalf, or from the apprentice or boy, or from one on the apprentice's or boy's behalf, in consideration of the apprentice or boy being so bound; or

(b.) Makes or causes any such payment to be made;

That person shall in respect of each offence be guilty of a misdemeanour, whether the apprentice or boy was or was not validly bound.

(III.) PROVISIONS APPLYING TO TRAWLERS.

The following sections shall apply only to fishing-boats being trawlers, and, save as otherwise provided, only to fishing-boats being trawlers of 25 tons tonnage and upwards:—

Engagement of Seamen.

399.—(1.) The skipper of every fishing-boat being a trawler of 25 tons tonnage or upwards shall enter into an agreement (in this Part of this Act called a fishing-boat's agreement), in accordance with this Part of this Act, with every seaman whom he carries to sea as one of his crew from any port in England or Ireland, and shall not carry to sea any seaman with whom no such agreement has been entered into.

(2.) If a skipper acts in contravention of this section, he shall for each offence be liable to a fine not exceeding 5*l*.

(3.) This section shall not apply in the case of a sea-fishing boy.

400.—(1.) A fishing-boat's agreement shall be in a form approved by the Board of Trade, and be dated at the time of the first signature thereof, and be signed by the skipper before a seaman signs it.

(2.) A fishing-boat's agreement shall contain as terms thereof—

(a.) The nature and, as far as practicable, the duration of the intended voyage or engagement;

(b.) The number and description of the crew;

(c.) The time at which each seaman is to be on board or to begin work;

(d.) The capacity in which each seaman is to serve;

(e.) The remuneration which each seaman is to receive, whether in wages or by share in the catch, or in both ways, and the time from which each seaman's remuneration is to commence;

(f.) A scale of the provisions to be furnished to each seaman;

(g.) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct, which the Board of Trade have approved as proper and the parties agree to adopt.

(3.) The fishing-boat's agreement shall be so framed as to admit

of stipulations, to be adopted at the will of the skipper in each case, as to advance and allotment of wages, and in any other stipulations that are not contrary to law.

401.—(1.) A fishing-boat's agreement shall be signed by the skipper and the seaman, and the skipper shall cause the agreement to be read and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall obtain the signature of each seaman.

(2.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be sent by the skipper to the Superintendent at the port of departure and retained by him, and the other part shall be retained by the skipper. The agreement shall contain a special place for the descriptions and signatures of the substitutes, or persons engaged subsequently to the first engagement of the fishing-boat.

(3.) Where a substitute is engaged in the place of a seaman who has signed the agreement, and whose services are lost by death, desertion, failure to join, or other unforeseen cause, the skipper shall, before the fishing-boat puts to sea, if practicable, and as soon afterwards as possible, cause the agreement to be read and explained to the substitute, and the substitute shall sign the same in the presence of the skipper who shall obtain the signature.

402.—(1.) Fishing-boats' agreements may be made by the skipper (or, if there are several owners, the registered manager) instead of by the skipper; and the provisions of this Part of the Act with respect to fishing-boats' agreements shall apply to such agreements as if the owner were skipper.

(2.) Fishing-boats' agreements may be made for service in a particular boat or in two or more boats belonging to the same owner, provided that in the latter case the names of the boats, the length and nature of the service, and the rates, provisions, and method of payment are specified in the agreement.

403.—(1.) Fishing-boats' agreements may, if the voyage of the boat average less than six months in duration, be made for over two or more voyages or any number of weeks, and any such agreements so made are in this Part of this Act referred to as fishing-boats' running agreements.

(2.) Fishing-boats' running agreements shall not extend beyond the next following 30th day of June or 31st day of December next after the first arrival of the boat at her port of destination in the United Kingdom after that date, or the discharge of cargo commenced on that arrival.

404.—(1.) Where a fishing-boat's running agreement has been made for any boat, the skipper shall on every return to the

the United Kingdom before the final termination of the agreement make and sign an indorsement on the agreement stating either that no engagements or discharges of seamen have been made or are intended to be made before the boat leaves port, or that all those made have been made as required by law.

(2.) If a skipper knowingly makes a false statement in any such indorsement, he shall for each offence be liable to a fine not exceeding 5*l*.

405.—(1.) The owners of a fishing-boat, being a trawler of 25 tons tonnage or upwards, shall, within forty-eight hours of her departure from port on any voyage, send or cause to be sent to the Superintendent at the port a true report, signed by an owner or the registered managing owner, in a form approved by the Board of Trade, stating the names of the skipper, seamen, and apprentices who have gone to sea in her, and such other particulars as the Board require.

(2.) Where the sole or the registered managing owner or every owner of such a fishing-boat goes to sea in her on the voyage, or the voyage commences at a port where there is no owner or registered managing owner, the report may be made and signed on his behalf by his agent for that purpose.

(3.) If any requirement of this section is not complied with in the case of any boat, each owner of the boat and the registered managing owner (if any) of the boat shall for each offence be liable to a fine not exceeding 5*l*.

(4.) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners of boats from this section.

406.—(1.) Where a fishing-boat's running agreement has been made, the skipper shall, before finally leaving any port for sea during the continuance of the agreement, sign and send to the nearest Superintendent an accurate statement, in a form approved by the Board of Trade, of every change which has taken place in his crew, and that statement shall be admissible in evidence in manner provided by this Act.

(2.) If a skipper fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l*.

(3.) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt skippers of boats from this section.

407. Every erasure, interlineation, or alteration in a fishing-boat's agreement (except additions so made as hereinbefore directed or shipping substitutes or persons engaged subsequently to the first departure of the fishing-boat) shall be wholly inoperative unless

proved to have been made with the consent of all interested in that erasure, interlineation, or alteration.

408. If a skipper—

(i.) Fraudulently alters, or makes any false entry in the fishing-boat's agreement, or is privy to any such fraudulent alteration or false entry;

(ii.) Delivers, or is privy to the delivery of, a false fishing-boat's agreement;

He shall for each offence be liable to a fine not exceeding 5*l.*

Payment of Wages and Discharge of Seamen.

409.—(1.) The owner of a fishing-boat, being a trawler of 25 tons tonnage or upwards, shall deliver to the skipper, and the skipper of such a boat shall deliver to every seaman a full and true account, in a form approved by the Board of Trade, of the wages of the skipper or seaman, as the case may be (including his share in the catch), and of all deductions to be made from any account whatever, and a deduction from the wages of the skipper or seaman shall not be allowed unless it is included in the account so delivered, or is in regard of a matter happening after the delivery.

(2.) The skipper may by notice to the owner, and the owner may by notice to the skipper, dispense with the delivery of such an account.

(3.) Except where the account of wages is dispensed with, the account shall be delivered not less than four hours before the discharge or discharge of the skipper or seaman.

(4.) If the owner or skipper of a boat fails without reasonable excuse to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l.*

410.—(1.) Upon the discharge of a seaman from a fishing-boat being a trawler of 25 tons tonnage or upwards, or of a fishing-boat of his wages, the skipper shall sign and deliver to him a certificate of discharge, in a form approved by the Board of Trade, stating the period of his service, and the time and place of his discharge.

(2.) If a skipper fails to comply with this section, he shall for each offence be liable to a fine not exceeding 5*l.*

411. If a seaman, having signed a fishing-boat's agreement, is discharged before the commencement of the voyage, or during the voyage or engagement, without fault on his part, and without his consent, he shall be entitled to receive, in addition to an amount of wages proportionate to the time he has served, sufficient compensation for the damage caused by the discharge, and may recover that compensation as a debt due to him.

412. The provisions of this Part of this Act relating to the discharge of seamen and the payment of wages shall apply whether the seaman is serving under an ordinary agreement, or under an agreement to serve in two or more fishing-boats belonging to the same owner, or under a fishing-boat's running agreement.

Certificates of Skippers and Second Hands.

413.—(1.) A fishing-boat, being a trawler of 25 tons tonnage or upwards, shall not go to sea from any port of England or Ireland unless provided with a duly certificated skipper and a duly certificated second hand.

(2.) If a boat goes to sea contrary to this section, the owner thereof shall for each offence be liable to a fine not exceeding 20*l*.

(3.) If any person, except in case of necessity—

(a.) Having been engaged to serve as skipper or second hand of a fishing-boat, being a trawler of 25 tons tonnage and upwards, serves as skipper or second hand of that boat without being duly certificated; or

(b.) Employs any person as skipper or second hand of such a boat without ascertaining that he is duly certificated;

That person shall for each offence be liable to a fine not exceeding 20*l*.

(4.) A skipper or second hand shall not be deemed duly certificated for the purpose of this section unless he holds a certificate under this Part of this Act appropriate to his station in the boat or to a higher station.

(5.) Where the skipper of such a boat is absent from his boat a Superintendent may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorize the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence, and the second hand when acting under that authority shall for the purposes of this section be deemed to be a duly certificated skipper.

414.—(1.) Certificates of competency as skipper or as second hand of fishing-boats, or any particular class of fishing-boats, may be granted by the Board of Trade in the same manner as certificates of competency as master or mate under the Second Part of this Act, and all the provisions of this Act with respect to or connected with the examination of applicants for certificates and the granting thereof, and the suspension and cancellation thereof, and inquiries and investigations into the conduct of the holders thereof, and all other provisions of this Act relating to or connected with certificates of masters or mates, shall apply to the certificates as skipper or

second hand of fishing-boats, and the holders thereof, as if the certificates had been granted under Part II of this Act, and the holders thereof shall be entitled to such privileges and subject to such liabilities as they would be if such certificates had been granted.

(2.) A certificate of competency as skipper of a fishing-boat shall not be granted to any person unless he has previously held a certificate as second hand for at least twelve months.

415.—(1.) If any person, before the 1st day of September, 1888, served as a skipper, or before the 1st day of July, 1888, served as a second hand in fishing-boats, being trawlers of 25 tons tonnage or upwards, or such other fishing-boats as the Board of Trade consider will have afforded that person sufficient experience, for a period amounting in all to not less than twelve months, that person shall be entitled to a certificate of service as skipper or second hand, as the case may be, of a fishing-boat, limited, if he has been exclusively employed in a particular class of such fishing-boats, in that particular class.

(2.) If a person proves to the Board of Trade that he has served as required by this section, and has been generally well conducted on board the boats in which he has served, the Board of Trade shall deliver a certificate of service to him.

(3.) The certificate of service shall differ in form from a certificate of competency, and shall contain particulars of the name, place, and date of birth of the holder, and of the length and nature of his previous service.

(4.) This Act shall apply to a certificate of service so granted as to the holder thereof in like manner as it applies to a certificate of competency granted under this Part of this Act and to the holder thereof.

416.—(1.) The Board of Trade may cause a register of certificates of skippers and second hands to be kept in such form and by such person, and containing such particulars, as the Board direct.

(2.) Such register shall be admissible in evidence in matters provided by this Act, and the absence of an entry in the register of any person or matter shall be evidence of the non-registration of such person or matter, and if the question is whether the person has been certificated as a skipper or second hand, of his not being so certificated.

Conveyance of Fish from Trawlers.

417.—(1.) The Board of Trade, on the application of any owner of a fleet of fishing-boats, or of any association of owners of fishing-boats, or of any persons having the charge or command of a fleet of fishing-boats, or without such application if the person

association entitled to make the application fails after request by the Board of Trade to do so, may make such regulations respecting the conveyance of fish from fishing-boats, catching fish as trawlers, to vessels engaged in collecting and carrying fish to port, as may appear to the Board expedient for preventing loss of life, or danger to life or limb.

(2.) All regulations so made shall be laid for thirty days before both Houses of Parliament while in Session, and shall not come into force till the expiration of those thirty days; and if either House within those thirty days resolves that the whole or any part of the regulations laid before them ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place.

(3.) All regulations made under this section shall, while in force, have effect as if enacted in this Act.

(4.) If any person to whom such a regulation applies fails without reasonable cause to comply therewith, he shall, for each offence, be liable to a fine not exceeding 10*l*.

(5.) This section shall apply to fishing-boats of whatever tonnage.

PART V.—SAFETY.

Prevention of Collisions.

418.—(1.) Her Majesty may, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, make regulations for the prevention of collisions at sea, and may thereby regulate the lights to be carried and exhibited, the fog-signals to be carried and used, and the steering and sailing rules to be observed, by ships, and those regulations (in this Act referred to as the Collision Regulations) shall have effect as if enacted in this Act.

(2.) The Collision Regulations, together with the provisions of this Part of this Act relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within British jurisdiction, and in any case arising in a British Court concerning matters arising within British jurisdiction foreign ships shall, so far as respects the Collision Regulations and the said provisions of this Act, be treated as if they were British ships.

419.—(1.) All owners and masters of ships shall obey the Collision Regulations, and shall not carry or exhibit any other lights, or use any other fog-signals, than such as are required by those regulations.

(2.) If an infringement of the Collision Regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall, in respect of each offence, be guilty of a misdemeanour.

(3.) If any damage to person or property arises from the non-

observance by any ship of any of the Collision Regulations, damage shall be deemed to have been occasioned by the default of the person in charge of the deck of the ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

(4.) Where in a case of collision it is proved to the satisfaction of the Court to whom the case is tried, that any of the Collision Regulations has been infringed, the ship by which the regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

(5.) The Board of Trade shall furnish a copy of the Collision Regulations to any master or owner of a ship who applies for a certificate.

420.—(1.) A surveyor of ships may inspect any ship, whether British or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog-signals, in conformity with the Collision Regulations, and if the surveyor finds that the ship is not so provided, he shall give to the master or owner a written notice, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

(2.) Every notice so given shall be communicated to the master of the ship directed by the Board of Trade to the chief officer of the port at any port at which the ship may seek to obtain a certificate of registry; and the ship shall be detained, until a certificate is in the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog-signals, in conformity with the Collision Regulations.

(3.) For the purpose of an inspection under this Act, a surveyor shall have all the powers of a Board of Trade Inspector of Ships under this Act.

(4.) Where the certificate as to lights and fog-signals is refused, an owner may appeal to the Court of Survey for the port at which the ship for the time being is in manner directed by the regulations of that Court.

(5.) On any such appeal the Judge of the Court of Survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of this Act as to lights and fog-signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by them to grant, the certificate.

(6.) Subject to any order made by the Judge of the Court of Survey the costs of and incidental to the appeal shall be borne by the appellant.

(7.) A surveyor, in making an inspection under this Act,

if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and, if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the Court of Survey.

(8.) Such fees as the Board of Trade may determine shall be paid in respect of an inspection of lights and fog-signals under this section not exceeding those specified in the Sixteenth Schedule to this Act.

421.—(1.) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect.

(2.) Where any such rules are not and cannot be made, Her Majesty in Council, on the application of any person having authority over such waters, or, if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the Collision Regulations.

422.—(1.) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any)—

(a.) To render to the other vessel her master, crew, and passengers (if any) such assistance as may be practicable and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance; and also

(b.) To give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(2.) If the master or person in charge of a vessel fails to comply with this section, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

(3.) If the master or person in charge fails, without reasonable cause, to comply with this section, he shall be guilty of a misdemeanour, and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

423.—(1.) In every case of collision, in which it is practicable so to do, the master of every ship shall immediately after the occurrence use a statement thereof, and of the circumstances under which the

same occurred, to be entered in the official log-book (if entry shall be signed by the master, and also by the crew).

(2.) If the master fails to comply with this section each offence, be liable to a fine not exceeding 20*l*.

424. Whenever it is made to appear to Her Majesty that the Government of any foreign country is without Collision Regulations, or the provisions of this Part relating thereto or otherwise relating to collisions, or regulations or provisions, should apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time conditions and circumstances contained in the Order, apply to the ships of that country, whether within British jurisdiction or not, and that such ships shall for the purpose of such regulations and provisions be treated as if they were British ships.

Report of Accidents and Loss of Ship.

425.—(1.) When a steam-ship has sustained an accident occasioning loss of life or any serious injury to a person, or has received any material damage affecting her worthiness or her efficiency either in her hull or in her machinery, the owner or master shall, within twelve months after the happening of the accident or damage, or as soon as possible, transmit to the Board of Trade, by letter from the owner or master, a report of the accident or damage, stating the probable occasion thereof, stating the name of the ship, her number (if any), the port to which she belongs, and the name of the person she is.

(2.) If the owner or master of a steam-ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding 50*l*.

(3.) This section shall apply to all British ships and to foreign steam-ships carrying passengers between Great Britain and the United Kingdom.

426.—(1.) If the managing owner or, in the case of a ship being no managing owner, the ship's husband, of any ship has reason, owing to the non-appearance of the ship, or other circumstance, to apprehend that the ship has been lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of the loss and of the probable cause thereof, stating the name of the ship, her official number, and the port to which she belongs.

If a managing owner or ship's husband fails without reasonable excuse to comply with this section within a reasonable time, he shall be liable to a fine not exceeding 50*l*.

Life-saving Appliances.

(1.) The Board of Trade may make rules (in this Act called rules for life-saving appliances) with respect to all or any of the following matters, namely:—

the arranging of British ships into classes, having regard to the nature of the service in which they are employed, to the nature and duration of the voyage, and to the number of persons carried; the number and description of the boats, life-boats, life-jackets, and life-buoys to be carried by British ships, and to the class in which they are arranged, and the mode of construction: also the equipments to be carried by the boats, life-boats, and life-rafts, and the methods to be provided to get the boats, life-boats, and life-rafts into the water, which methods may be used for use in stormy weather; and the quantity, quality, and description of buoyant apparatus to be carried on board British ships carrying passengers, either in life-boats or in substitution for boats, life-boats, life-rafts, life-jackets, and life-buoys.

Such rules shall be laid before Parliament as soon as they are made, and shall not come into operation until a month or forty days before both Houses of Parliament meet in Session of Parliament; and on coming into operation shall have effect as if enacted in this Act.

Rules under this section shall not apply to any fishing-boat which is not entered in the fishing-boat register under Part IV of this Act.

It shall be the duty of the owner and master of every ship to see that his ship is provided, in accordance with the rules, with such of those appliances as are required, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, and the best adapted for securing the safety of her crew and passengers.

(2.) For the purpose of preparing and advising on the rules for life-saving appliances, the Board of Trade may appoint a committee, the members of which shall be nominated by the Board of Trade in accordance with the Seventeenth Schedule to this Act.

Any member of the Committee shall hold office for two years from the date of his appointment, but shall be eligible for reappointment.

(3.) There shall be paid to the members of the Com of the Mercantile Marine Fund, such travelling and other as the Board of Trade may fix.

(4.) Her Majesty may, by Order in Council, alter the Schedule to this Act.

430.—(1.) In the case of any ship—

(a.) If the ship is required by the rules for life-saving to be provided with such appliances and proceeds on an excursion without being so provided in accordance with applicable to the ship; or

(b.) If any of the appliances with which the ship is are lost or rendered unfit for service in the course of the excursion through the wilful fault or negligence of the master; or

(c.) If the master wilfully neglects to replace or repair at the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or

(d.) If such appliances are not kept so as to be at hand and ready for use;

Then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding 100*l.*, and the master or pilot (if in fault) shall for each offence be liable to a fine not exceeding 50*l.*

(2.) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other fine or punishment than is provided by those enactments; and no person shall not be punished twice for the same offence.

(3.) If the Court before whom a person is charged with an offence punishable under those enactments thinks that proceedings should be taken against him for the offence under any other provision of this Act, or otherwise, the Court may adjourn the case to a future day, and such proceedings to be taken.

431.—(1.) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with this Act, and for the purpose of inspection shall have all the powers of a Board of Trade surveyor under this Act.

(2.) If the said surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what, in his opinion, should be done to remedy the same.

(3.) Every notice so given shall be communicated in writing to the Board of Trade directed by the Board of Trade to the chief officer of the port of call of any port at which the ship may seek to obtain a certificate of registry.

transire, and the ship shall be detained until a certificate under the hand of any such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with this Act.

General Equipment.

432.—(1.) Every British sea-going steam-ship, if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British sea-going steam-ship not used wholly as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship.

(2.) If any such British sea-going steam-ship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding 100*l.*, and the master (if in fault) shall be liable to a fine not exceeding 50*l.*

433. A person shall not place an undue weight on the safety valve of any steam-ship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding 100*l.*

Signals of Distress.

434.—(1.) Her Majesty in Council may make rules as to what signals shall be signals of distress, and the signals fixed by those rules shall be deemed to be signals of distress.

(2.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of those signals of distress, except in the case of a vessel being in distress, he shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of that signal having been supposed to be a signal of distress, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

435.—(1.) Where a ship is a sea-going passenger steamer or migrant ship within the meaning of the Third Part of this Act, the ship shall be provided to the satisfaction of the Board of Trade—

(a.) With means for making the said signals of distress at night, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

(b.) With a proper supply of lights inextinguishable fitted for attachment to life-buoys.

(2.) If any such ship goes to sea from any port of the Kingdom without being provided as required by this Act for each default in any of the above requisites, the master (in fault) shall be liable to a fine not exceeding 100*l.*, and the ship (in fault) shall be liable to a fine not exceeding 50*l.*

Draught of Water and Load-Line.

436.—(1.) The Board of Trade may, in any case in which they think it expedient to do so, direct a person to be appointed by them for the purpose to record, in such manner as they think fit, with such particulars as they direct, the draught of water of every sea-going ship, as shown on the scale of feet on the stern post, and the extent of her clear side in feet and inches, when leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall keep that record, and shall forward a copy thereof to the Board of Trade.

(2.) That record or copy, if produced out of the custody of the Board of Trade, shall be admissible in evidence in any court of law by this Act.

(3.) The master of every British sea-going ship shall, when leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water and the extent of her clear side in the official log-book (if any), and shall produce the same to any chief officer of Customs whenever required, and if he fails without reasonable cause to produce the same, he shall, for each offence, be liable to a fine not exceeding 20*l.*

(4.) The master of a sea-going ship shall, upon the arrival of the ship, cause a person appointed to record the ship's draught of water, and the extent of her clear side, to enter the ship and to make such inspections and measurements as may be requisite for the purpose of ascertaining the draught of water and the extent of her clear side, and if any master fails to do so, or impedes, or suffers any person under his control to impede, any person so appointed in the discharge of his duty, he shall for each offence be liable to a fine not exceeding 50*l.*

(5.) In this section the expression "clear side" means the side of the ship from the water to the upper side of the plank of the deck, and the measurement of the clear side is to be taken at the lower side.

437.—(1.) Every British ship (except ships under 80

employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts, and ships employed exclusively in trading or going from place to place in any river or inland water the whole or part of which is in any British possession) shall be permanently and conspicuously marked with lines (in this Act called deck-lines) of not less than 12 inches in length and 1 inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2.) The upper edge of each of the deck-lines must be level with the upper side of the deck plank next the waterway at the place of marking.

(3.) The deck-lines must be white or yellow on a dark ground, or black on a light ground.

(4.) In this section the expression "amidships" means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

438.—(1.) The owner of every British ship proceeding to sea from a port in the United Kingdom (except ships under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before the time hereinafter mentioned, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc 12 inches in diameter, with a horizontal line 18 inches in length drawn through its centre.

(2.) The centre of this disc shall be placed at such level as may be approved by the Board of Trade below the deck-line marked under this Act, and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.

(3.) The position of the disc shall be fixed in accordance with the tables used at the time of the passing of this Act by the Board of Trade, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under this Act and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the Board of Trade.

(4.) In approving any such modifications, the Board of Trade shall have regard to any representations made to them by any corporation or association for the survey or registry of shipping for the time being appointed or approved by the Board of Trade, as hereinafter mentioned, for the purpose of approving and certifying the position of the load-line.

439. If a ship is so loaded as to submerge in sea the centre of the disc indicating the load-line, the ship shall be an unsafe ship within the meaning of the provisions contained in this Part of this Act, and such submergence shall be a reasonable and probable cause for the detention of the ship.

440.—(1.) Where a ship proceeds on any voyage to or from the United Kingdom for which the owner is required to mark the ship outwards, the disc indicating the load-line shall be marked before so entering her, or, if that is not practicable, as soon as possible afterwards as may be.

(2.) The owner of the ship shall upon entering the port of registry insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck-lines which is above that centre. In default is made in inserting that statement, the ship shall be detained.

(3.) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by and on behalf of the crew, and a Superintendent shall not proceed with the ship until that entry is made.

(4.) The master of the ship shall also enter a copy of that statement in the official log-book.

(5.) When a ship to which this section applies has been detained with a disc indicating the load-line, she shall be kept in port until her next return to a port of discharge in the United Kingdom.

441.—(1.) Where a ship employed in the coast trade is required to be marked with the disc indicating the load-line, she shall be so marked before the ship proceeds to sea from the port of registry, and the owner shall also once in every twelve months, before the ship proceeds to sea, transmit or deliver, to the officer of Customs of the port of registry of the ship, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck-lines which is above that centre.

(2.) The owner, before the ship proceeds to sea after the renewal or alteration of the disc, shall transmit or deliver to the officer of Customs of the port of registry of the ship notice of that renewal or alteration, together with such statement as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3.) If default is made in transmitting or delivering that statement under this section, the owner shall, for each offence, be liable to a fine not exceeding 100*l*.

(4.) When a ship to which this section applies has

with a disc indicating the load-line, she shall be kept so marked until notice is given of an alteration.

442.—(1.) If—

(a.) Any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this Part of this Act required, or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load-line ; or

(b.) Any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy ;

He shall for each offence be liable to a fine not exceeding 100*l*.

(2.) If any mark required by this Part of this Act is in any respect inaccurate so as to be likely to mislead, the owner of the ship shall for each offence be liable to a fine not exceeding 100*l*.

443.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping approved by the Board of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any disc indicating the load-line, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(a.) Determining the lines or marks to be used in connection with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that this Part of this Act is to have effect as if any such line were drawn through the centre of the disc ; and

(b.) As to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise ; and

(c.) As to the mode of application for, and form of, certificates under this section ; and

(d.) Requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and requiring the delivery of copies of those entries.

(3.) All such regulations shall, while in force, have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry,

publication, or delivery of copies of certificates or other as to the draught of water and freeboard of a ship, he shall be liable to a fine not exceeding 100*l*.

(4.) Where in pursuance of the regulations any such statement is required to be delivered, a statement in writing as to the deck-lines of a ship need not be inserted in the form transmitted or delivered to a chief officer of Customs if the provisions hereinbefore contained.

444. Where the Legislature of any British possession or enactment provides for the fixing, marking, and certifying load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that that enactment is based on the same principles as the provisions of this Part of this Act relating to load-lines, and is equally effective for ascertaining and fixing the maximum load-lines to which those ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, Her Majesty in Council may declare that a ship so fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Part of this Act.

445.—(1.) Where the Board of Trade certify that the regulations for the time being in force in any foreign country relating to overloading and improper loading are equivalent to the provisions of this Act relating thereto, Her Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not, when at a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of this Act, nor shall she be liable to any fine or penalty which would otherwise be incurred on non-compliance with those provisions.

(2.) Provided that this section shall not apply in the case of any foreign country in which it appears to Her Majesty in Council that corresponding provisions are not extended to British ships.

Dangerous Goods.

446.—(1.) A person shall not send or attempt to send by sea in any vessel, British or foreign, and a person not being the master or owner of the vessel shall not carry or attempt to carry in any vessel any dangerous goods without distinctly marking their nature on the outside of the package containing the same, and giving notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of

me of sending the same to be shipped or taking the vessel.

person fails without reasonable cause to comply with shall for each offence be liable to a fine not exceeding shows that he was merely an agent in the shipment goods as aforesaid, and was not aware and did not no reason to suspect that the goods shipped by him dangerous nature, then not exceeding 10*l*.

purpose of this Part of this Act the expression "goods" means aquafortis, vitriol, naphtha, benzine, matches, nitro-glycerine, petroleum, any explosive meaning of "The Explosives Act, 1875," and any which are of a dangerous nature.

shall not knowingly send or attempt to send by, attempt to carry in, any vessel, British or foreign, under a false description, and shall not falsely send or carrier thereof; and if he acts in contravention he shall for each offence be liable to a fine not

the master or owner of any vessel, British or foreign, take on board any package or parcel which he contains any dangerous goods, and may require it to be to ascertain the fact.

any dangerous goods, or any goods which, in the master or owner of the vessel, are dangerous goods, or brought aboard any vessel, British or foreign, marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause be thrown overboard, together with any package in which they are contained; and neither the master of the vessel shall be subject to any liability, civil or criminal, for so throwing the goods overboard.

Where any dangerous goods have been sent or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without notice having been given as aforesaid, or under a false description or false description of the sender or carrier thereof, any court of admiralty jurisdiction may declare those goods, and the receptacle in which they are contained, to be, and they shall be, forfeited, and when forfeited shall be disposed of by the Court direct.

Any person shall have, and may exercise, the aforesaid powers of seizure and disposal notwithstanding that the owner of the vessel has committed any offence under the provisions of this

Act relating to dangerous goods, and is not before the Court has not notice of the proceedings, and notwithstanding is no evidence to show to whom the goods belong; nevertheless, in their discretion, require such notice as may be given to the owner or shipper of the goods, and are forfeited.

450. The provisions of this Part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition and not in substitution for, or in restraint of, any other provisions for the like object; so, nevertheless, that nothing in the provisions shall be deemed to authorize any person to be prosecuted twice in the same matter.

Loading of Timber.

451.—(1.) If a ship, British or foreign, arrives at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any open space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, wood goods as hereinafter defined, the master of that ship, and the owner, if he is privy to the offence, shall be liable to a fine not exceeding 5*l.* for every 100 cubic feet of wood goods in respect of which a contravention of this section has been committed.

(2.) Provided that a master or owner shall not be liable to a fine under this section—

(a.) In respect of any wood goods which the master considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(b.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the 16th day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(c.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the 16th day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

for the purposes of this section, the expression "wood
 ns—
 y square, round, waney, or other timber, or any pitch
 any, oak, teak, or other heavy wood goods whatever; or
 more than five spare spars or store spars, whether or
 ressed, and finally prepared for use; or
 y deals, battens, or other light wood goods of any
 o a height exceeding 3 feet above the deck.
 hing in this section shall affect any ship not bound to a
 United Kingdom which comes into any port of the United
 der stress of weather, or for repairs, or for any other
 the delivery of her cargo.

Carriage of Grain.

) Where a grain cargo is laden on board any British
 essary and reasonable precautions (whether mentioned in
 this Act or not) shall be taken in order to prevent the
 from shifting.

ose precautions have not been taken in the case of any
 the master of the ship and any agent of the owner who
 with the loading of the ship or the sending of her to
 n be liable to a fine not exceeding 300*l*., and the owner
 shall also be liable to the same fine, unless he shows that
 reasonable means to enforce the observance of this
 was not privy to the breach thereof.

) Where a British ship laden with a grain cargo at any
 Mediterranean or Black Sea is bound to ports outside
 of Gibraltar, or where a British ship is laden with a
 on the coast of North America, the precautions to
 grain cargo from shifting, set out in the Eighteenth
 this Act, shall be adopted, unless the ship is loaded in
 with regulations for the time being approved by the
 Trade, or is constructed and loaded in accordance with
 approved by the Board of Trade.

his section is not complied with in the case of any ship,
 precautions to prevent the grain cargo of that ship
 g shall be deemed not to have been taken, and the
 master of the ship and any agent charged with loading
 g her to sea shall be liable accordingly to a fine under
 this Act.

hing in this section shall exempt a person from any
 il or criminal, to which he would otherwise be subject
 o adopt any reasonable precautions which, although not

mentioned in this section, are reasonably required to prevent grain cargo from shifting.

454.—(1.) Before a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea and bound to ports outside the Straits of Gibraltar, or laden with a grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British Consular officer, or, if the port is in British possession, to the chief officer of Customs, at that port, notice stating—

(a.) The draught of water and clear side, as defined by this Part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading; and

(b.) The following particulars in respect to the grain cargo, namely:

(i.) The kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and

(ii.) The mode in which the grain cargo is stowed; and

(iii.) The precautions taken against shifting.

(2.) The master shall also deliver a similar notice to the proper officer of Customs in the United Kingdom, together with the report required to be made by "The Customs Consolidation Act, 1876," at the arrival of the ship in the United Kingdom.

(3.) Every such notice shall be sent to the Board of Trade as soon as practicable, by the officer receiving the same.

(4.) If the master fails to deliver any notice required by this section, or if in any such notice he wilfully makes a false statement or wilfully omits a material particular, he shall for each offence be liable to a fine not exceeding 100*l*.

(5.) The Board of Trade may, by notice published in the "London Gazette," or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

455. For securing the observance of the provisions of this Part of this Act with respect to grain cargo, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade Inspector under this Act.

456. For the purpose of the provisions of this Part of this Act with respect to grain cargo—

The expression "grain" means any corn, rice, paddy, pulses, seeds, nuts, or nut kernels.

The expression "ship laden with a grain cargo" means a ship

carrying a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of 100 cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of 2 tons weight for each ton of registered tonnage.

Unseaworthy Ships.

457.—(1.) If any person sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanour, unless he proves either that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness.

(2.) If the master of a British ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanour, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

(3.) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade, or of the Governor of the British possession in which the prosecution takes place.

(4.) A misdemeanour under this section shall not be punishable upon summary conviction.

(5.) This section shall not apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

458.—(1.) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and he master, and every agent charged with the loading of the ship, or he preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and

to keep her in a seaworthy condition for the voyage.

(2.) Nothing in this section—

(a.) Shall subject the owner of a ship to any liability, the ship being sent to sea in an unseaworthy state without special circumstances, the sending of the ship to sea in such cases was reasonable and justifiable; or

(b.) Shall apply to any ship employed exclusively in going from place to place in any river or inland water, the whole or part of which is in any British possession.

459.—(1.) Where a British ship, being in any part of the United Kingdom, is an unsafe ship, that is to say, is by reason of defective condition of her hull, equipments, or machinery, or of reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and may be detained or released as follows:—

(a.) The Board of Trade, if they have reason to believe that a British ship is unsafe, may order her to be provisionally detained as an unsafe ship for the purpose of being surveyed.

(b.) When a ship has been provisionally detained, the Board of Trade may forthwith serve on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship, and report thereon to the Board.

(c.) The Board of Trade, on receiving the report, may order the ship to be released, or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely or on condition of performance of such conditions with respect to the repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may vary or add to any such order.

(d.) Before the order for final detention is made, a report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship may appear before the Court of Survey for the port or district where the ship is detained, in manner directed by the rules of that Court.

(e.) Where a ship has been provisionally detained, the master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may be accompanied by such person as the owner or master may select out of the list of assessors for the Court of Survey, and in that case if the surveyor and assessor agree, the Board of Trade may order the ship to be released.

shall cause the ship to be detained or released accordingly, but, if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(f.) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the Court of Survey for the port or district where the ship is detained.

(g.) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2.) Any person appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe, may order her to be released.

(8.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

(4.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5.) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6.) The Board of Trade may, with the consent of the Treasury, appoint fit persons to act as detaining officers under this section, and may remove any such officer; and a detaining officer shall be paid such salary or remuneration (if any) out of money provided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade Inspector under his Act.

(7.) A detaining officer and a person authorized to survey a ship under this section shall for that purpose have the same power as a person appointed by a Court of Survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

460.—(1.) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or fault of the owner, for the provisional detention of a ship under this Part of this Act as an unsafe ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for

any loss or damage sustained by him by reason of the survey.

(2.) If a ship is finally detained under this Act, or that a ship provisionally detained was, at the time of the detention, an unsafe ship within the meaning of this Part of this Act, the owner of the ship shall be liable to pay to the Board of Trade the costs and incidental to the detention and survey of the ship, and the costs shall, without prejudice to any other remedy, be treated as salvage is recoverable.

(3.) For the purpose of this section, the costs of a proceeding to any proceeding before a Court of Survey, and a reasonable remuneration in respect of the remuneration of the surveyor or of the Board of Trade, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of the costs may be referred to one of the officers following, namely, in England or Ireland to one of the Masters or Registrars of the High Court, and in Scotland to the Auditor of the Court of Session. The officer shall, on request by the Board of Trade, ascertain the proper amount of those costs.

(4.) An action for any costs or compensation payable to the Board of Trade under this section may be brought by the Secretary of that Board by his official title as if he were a solicitor, and if the cause of action arises in Ireland, and is brought in the High Court, that Court may order that a writ of summons or writ may be served on the Crown and Treasury in Ireland in such manner and on such terms respecting time and otherwise as the Court thinks fit, and that that shall be sufficient service of the summons or writ upon the Secretary of the Board of Trade.

461.—(1.) Where a complaint is made to the Board of Trade by a detaining officer that a British ship is unsafe, the Board may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs of compensation which he may become liable to pay as mentioned.

(2.) Provided that such security shall not be required if a complaint is made by one-fourth, being not less than three-fourths of the crew, or seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, and the Board or officer if the complaint is made in sufficient time before the ship is detained, take proper steps for ascertaining whether the ship is unsafe.

(3.) Where a ship is detained in consequence of a complaint, and the circumstances are such that the Board of Trade are satisfied under this Act to pay to the owner of the ship any

pensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

462. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications :—

(i.) A copy of the order for the provisional detention of the ship shall be forthwith served on the Consular officer for the country to which the ship belongs at or nearest to the said port ;

(ii.) Where a ship has been provisionally detained, the Consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the Consular officer may select, and, in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly ; but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship ; and

(iii.) Where the owner or master of the ship appeals to the Court of Survey, the Consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

463.—(1.) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion or absence without leave, or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the Court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence they may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied, shall, before adjudication, cause the ship to be surveyed.

(2.) A seaman or apprentice charged with desertion or with

quitting his ship without leave shall not have any right for a survey under this section unless he has before the ship complained to the master of the circumstances justifying the detention.

(3.) For the purposes of this section, the Court shall appoint a surveyor of ships appointed under this Act, or any person for the purpose by the Board of Trade, or, if such person cannot be obtained without unreasonable expense or is not, in the opinion of the Court, competent to deal with the special circumstances of the case, then any other impartial person appointed by the Court, and having no interest in the ship, freight or cargo, to survey the ship, and to answer the questions concerning her which the Court think fit to put.

(4.) Such Surveyor or other person shall survey the ship and make his written report to the Court, including an answer to every question put to him by the Court, and the Court shall cause the report to be communicated to the parties, and, unless the facts expressed in the report are proved to the satisfaction of the Court to be erroneous, shall determine the questions before them in accordance with those opinions.

(5.) Any person making a survey under this section shall, for the purposes thereof have all the powers of a Board of Trade Inspector under this Act.

(6.) The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by the Board and shall be paid in the first instance out of the Mercantile Marine Fund.

(7.) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person making the demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages of the seaman or apprentice who has been detained in the ship, or to become due to that person, and shall be paid over to the Board of Trade.

(8.) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Board of Trade, and shall be liable to compensate the seaman or apprentice who has been detained in the ship of the said proceeding before the Court under this section, by such compensation for his detention as the Court may award.

PART VI.—SPECIAL SHIPPING INQUIRIES AND COURTS.

Inquiries and Investigations as to Shipping Casualties.

464. For the purpose of inquiries and investigations under this Part of this Act a shipping casualty shall be deemed to occur—

(1.) When on or near the coasts of the United Kingdom any ship is lost, abandoned, or materially damaged.

(2.) When on or near the coasts of the United Kingdom any ship has been stranded or damaged, and any witness is found in the United Kingdom.

(3.) When on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship.

(4.) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom.

(5.) When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom.

(6.) When in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom.

(7.) When any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of.

465.—(1.) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons, namely:—

(a.) Where the shipping casualty occurs on or near the coasts of the United Kingdom, by the inspecting officer of the coastguard or chief officer of Customs residing at or near the place at which the casualty occurs; or

(b.) Where the shipping casualty occurs elsewhere, by the inspecting officer of the coastguard or chief officer of Customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined; or

(c.) In any case by any person appointed for the purpose by the Board of Trade.

(2.) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade Inspector under this Act.

466.—(1.) A person authorized as aforesaid to make a preliminary inquiry shall in any case where it appears to him requisite and expedient (whether upon a preliminary inquiry or without holding

such an inquiry) that a formal investigation should be held in any case where the Board of Trade so directs, apply to Summary Jurisdiction to hold a formal investigation, and shall thereupon hold the formal investigation.

(2.) A Wreck Commissioner appointed under this Act at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to a Court holding an investigation under this section includes the Commissioner holding such an investigation.

(3.) The Court holding any such formal investigation shall do so with the assistance of one or more assessors of skill in engineering, or other special skill or knowledge, to be selected out of a list of persons for the time being approved for that purpose by a Secretary of State, in such manner and according to such regulations as may be prescribed by rules made under this Act with regard thereto.

(4.) Where a formal investigation involves or appears to involve any question as to the cancelling or suspension of a certificate of a master, mate, or engineer, the Court shall hold the investigation with the assistance of not less than two persons having experience in the merchant service.

(5.) It shall be the duty of the person who has the conduct of a Court to hold a formal investigation to superintend the progress of the case, and to render such assistance to the Court as he may think fit.

(6.) The Court, after hearing the case, shall make a report to the Board of Trade containing a full statement of the facts, the opinion of the Court thereon, accompanied by such extracts from the evidence, and such observations as the Court may think fit.

(7.) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for his dissent.

(8.) The Court may make such order as the Court may think fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the Court as an order for the purposes of the Summary Jurisdiction Acts.

(9.) The Board of Trade may, if in any case they think fit, do, pay the costs of any such formal investigation.

(10.) For the purposes of this section the Court holding a formal investigation shall have all the powers of a Court of Summary Jurisdiction when acting as a Court in exercise of the powers of summary jurisdiction.

(11.) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made

that person shall have an opportunity of making a

formal investigations into shipping casualties under this Act shall be held in some Town Hall, Assize, or County Court, or in some other suitable place to be determined by the rules made under this Part of this Act with regard to the place, unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a Court ordinarily known as a Police Court, and all enactments relating to the Court for the purposes of the investigation, have effect as if the place where the Court is held were a place appointed for the exercise of summary jurisdiction of the Court.

Where an investigation is to be held in Scotland, the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner as he may direct.

(1.) The list of persons approved as assessors for the purposes of formal investigations into shipping casualties shall be revised every three years only, but persons whose names are on any list may be approved for any subsequent list.

The Secretary of State may at any time add or withdraw the name of any person to or from the list.

The list of assessors in force at the passing of this Act shall, subject as aforesaid, continue in force till the end of the year

when any loss of life arises by reason of any casualty occurring on or on board any boat belonging to a fishing-vessel, the Board of Trade may, if they think fit, cause an inquiry to be made and a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply

Power as to Certificates of Officers, &c.

The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence.

(1.) The certificate of a master, mate, or engineer may be suspended—

if a Court holding a formal investigation into a shipping casualty under this Part of this Act, or by a Naval Court constituted under this Act, if the Court find that the loss or abandonment of, or damage to, any ship, or loss of life, has been caused by his neglect or default; provided that, if the Court holding a formal investigation is a Court of Summary Jurisdiction, that Court shall not suspend or cancel a certificate unless one at least of the assessors concurs in the finding of the Court.

(c.) Shall give any master, mate, or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise, and may summon him to appear; and

(d.) May make such order with regard to the costs of the inquiry as they think just; and

(e.) Shall send a report upon the case to the Board of Trade.

(4.) Where the inquiry is held by a Court of Summary Jurisdiction, the inquiry shall be conducted and the results reported in the same manner, and the Court shall have the like powers, as in the case of a formal investigation into a shipping casualty under this Part of this Act; provided that, if the Board of Trade so direct, it shall be the duty of the person who has brought the charge against the master, mate, or engineer to the notice of the Board of Trade to conduct the case, and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

472.—(1.) Any of the following Courts, namely:—

In England and Ireland the High Court;

In Scotland the Court of Session;

Elsewhere in Her Majesty's dominions any Colonial Court of Admiralty or Vice-Admiralty Court;

May remove the master of any ship within the jurisdiction of that Court, if that removal is shown to the satisfaction of the Court by evidence on oath to be necessary.

(2.) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship or of any certificated mate, or of one-third or more of the crew of the ship.

(3.) The Court may appoint a new master instead of the one removed; but, where the owner, agent, or consignee of the ship is within the jurisdiction of the Court, such an appointment shall not be made without the consent of that owner, agent, or consignee.

(4.) The Court may also make such order and require such security in respect of the costs of the matter as the Court thinks fit.

473.—(1.) A master, mate, or engineer whose certificate is cancelled or suspended by any Court or by the Board of Trade shall deliver his certificate—

(a.) If cancelled or suspended by a Court to that Court on demand;

(b.) If not so demanded, or if it is cancelled or suspended by the Board of Trade, to that Board, or as that Board direct.

(2.) If a master, mate, or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding 50*l.*

474. The Board of Trade may, if they think that the justice of the case requires it, reissue and return the certificate of a master,

mate, or engineer, which has been cancelled or suspended in the United Kingdom or in a British possession, or for the time for which it is suspended, or granted in place thereof of the same or any lower grade.

Rehearing of Investigations and Inquiries

475.—(1.) The Board of Trade may, in any case under this Part of this Act a formal investigation as to a shipping casualty, or an inquiry into the conduct of a mate, or engineer has been held, order the case to be reheard either generally or as to any part thereof, and shall do so—

(a.) If new and important evidence which could not have been given at the investigation or inquiry has been discovered; or

(b.) If for any other reason there has, in their opinion, been a ground for suspecting that a miscarriage of justice has occurred.

(2.) The Board of Trade may order the case to be reheard by the Court or authority by whom the case was heard in the first instance, or by the Wreck Commissioner, or in England by the High Court, or in Scotland by the Senior Lord of Session, or any other Judge in the Court of Session whom the Board of Trade may appoint for the purpose, and the case shall be reheard accordingly.

(3.) Where, on any such investigation or inquiry, a decision has been given with respect to the cancelling or suspending of a certificate of a master, mate, or engineer, and an appeal from such decision has not been made, or if such an appeal has been made and refused, an appeal shall lie from the decision to the Courts, namely:—

(a.) If the decision is given in England or by a Naval Officer, to the High Court;

(b.) If the decision is given in Scotland, to either the High Court or the Court of Session;

(c.) If the decision is given in Ireland, to the High Court of Ireland.

(4.) Any rehearing or appeal under this section shall be heard, tried, and conducted in accordance with such conditions and rules as may be prescribed by rules made in relation thereto, and the powers contained in this Part of this Act.

Supplemental Provisions as to Investigations and Inquiries

476.—(1.) Where a Stipendiary Magistrate is a member of the local Marine Board, a formal investigation or inquiry into a shipping casualty shall, whenever he is present, be held before that Stipendiary Magistrate.

shall be paid out of the Mercantile Marine Fund to any Magistrate, if he is not remunerated out of money Parliament under this Act, such remuneration by way of increase of salary, or otherwise, as a Secretary of State, or the President of the Board of Trade, may direct.

The Lord Chancellor may appoint some fit person or persons to be a Wreck Commissioner or Wreck Commissioners for Great Britain, so that there shall not be more than three Wreck Commissioners at any one time, and may remove any such Commissioner; and in case it becomes necessary to appoint a Wreck Commissioner in Ireland, the Lord Chancellor of Ireland shall have power to appoint and remove that Wreck Commissioner.

The Legislature of any British possession may authorize a Court or Tribunal to make inquiries as to shipwrecks, or other accidents affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, in the said possessions, namely:—

Where a shipwreck or casualty occurs to a British ship on the coasts of the British possession or to a British ship engaged on a voyage to a port within the British possession;

Where a shipwreck or casualty occurs in any part of the British possession to a British ship registered in the British possession;

Where some of the crew of a British ship which has been wrecked, to which a casualty has occurred, and who are competent to give evidence as to the facts, are found in the British possession;

Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession,

Where a British ship in the course of a voyage to a port within the British possession;

Where the incompetency or misconduct has occurred on board a British ship registered in the British possession;

When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.

A Court or Tribunal so authorized shall have the same jurisdiction over the matter in question as if it had occurred within the ordinary jurisdiction, but subject to all provisions, regulations, and conditions which would have been applicable if it had occurred.

An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry which has been reported on by a competent Court or Tribunal of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or annulled by a Naval Court.

(4.) Where an investigation or inquiry has been conducted in the United Kingdom with reference to any matter, and a reference to the same matter shall not be held, under the Act, in a British possession.

(5.) The Court or Tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending and shall exercise those powers in the same manner as the Court holding a similar investigation or inquiry in the United Kingdom.

(6.) The Board of Trade may order the rehearing of an inquiry under this section in like manner as they may order the rehearing of a similar investigation or inquiry in the United Kingdom, if an application for rehearing either is not made or is refused, an appeal shall lie from any order or finding of the Court or Tribunal holding the inquiry to the High Court in England: and from an appeal shall not lie—

(a.) From any order or finding on an inquiry in relation to a ship affecting a ship registered in a British possession; or

(b.) From a decision affecting the certificate of a master or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of the Board of Trade.

(7.) The appeal shall be conducted in accordance with the conditions and regulations as may from time to time be made by rules made in relation thereto under the powers conferred by this Part of this Act.

479.—(1.) The Lord Chancellor may (with the sanction of the Treasury so far as relates to fees) make general rules for bringing into effect the enactments relating to formal investigations, the rehearing of, or an appeal from, any investigation or inquiry under this Part of this Act, and in particular with reference to the appointment and summoning of assessors, the procedure in relation to the persons allowed to appear, the notice to those parties or to persons affected, the amount and application of costs, the place in which formal investigations are to be held.

(2.) Any rule made under this section while in force shall have effect as if it were enacted in this Act.

(3.) Any rule made under this section with reference to the rehearing of, or appeals from, any investigation or inquiry, the appointment of assessors, and as to the place in which investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.

Naval Courts on the High Seas and Abroad

480. A Court (in this Act called a Naval Court) may be constituted by any officer in command of any of Her Majesty's ships.

any foreign station, or in the absence of such an officer, by any Consular officer, in the following cases (that is to say):—

(i.) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship, or by a certificated mate, or by any one or more of the seamen belonging to any such ship;

(ii.) Whenever the interest of the owner of any British ship or of the cargo thereof appears to that officer to require it; and

(iii.) Whenever any British ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrive at that place.

481.—(1.) A Naval Court shall consist of not more than five, and not less than three, members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a Consular officer, and one a master of a British merchant-ship, and the rest shall be either officers in the naval service of Her Majesty, masters of British merchant-ships, or British merchants, and the Court may include the officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against belong.

(2.) The Naval or Consular officer in the Court, if there is only one such officer, or, if there is more than one, the Naval or Consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the President of the Court.

482.—(1.) A Naval Court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence.

(2.) A Naval Court may, for the purpose of the hearing and investigation, administer an oath, summon parties and witnesses, and compel their attendance and the production of documents.

483.—(1.) Every Naval Court may, after hearing and investigating the case, exercise the following powers, that is to say:—

(a.) The Court may, if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it, remove the master, and appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard;

(b.) The Court may, in cases in which they are authorized by this Act, and subject to the provisions of this Act, cancel or suspend the certificate of any master, mate, or engineer;

(c.) The Court may discharge a seaman from his ship;

(d.) The Court may order the wages of a seaman or any part of those wages to be forfeited, and may direct either to be retained by way of compensation to the seaman, or to be paid into the Exchequer, in the same manner as fine and costs; and

(e.) The Court may decide any questions as to wages or forfeitures arising between any of the parties to the proceedings;

(f.) The Court may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his being kept whilst so imprisoned, shall be paid out of, and deducted from the wages of that seaman or apprentice, whether then or afterwards earned;

(g.) The Court may exercise the same powers with respect to persons charged before them with the commission of offences on shore or abroad as British Consular officers can under the Acts relating to this Act;

(h.) The Court may punish any master of a ship or any member of the crew of a ship respecting whose conduct a complaint is made before them for any offence against this Act, which, whether committed by the said master or member of the crew, is punishable by law, and shall for that purpose have the same powers as a Court of Summary Jurisdiction would have if the case were tried in the United Kingdom: Provided that—

(i.) Where an offender is sentenced to imprisonment, the Naval or Consular officer present at the place where the sentence is held shall in writing confirm the sentence and approve of the imprisonment, whether on land or on board ship, as a condition for the purpose; and

(ii.) Copies of all sentences passed by any Naval or Consular officer, or by the Commander-in-chief or Senior Naval Officer of the station, shall be forwarded to the Court.

(j.) The Court may, if it appears expedient, order any ship which is the subject of investigation to be surveyed, and a survey shall accordingly be made in the same way, and the officers who make the same shall have the same powers, as if they had been directed by a competent Court in pursuance of the provisions of Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion.

(k.) The Court may order the costs of the proceedings, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused by the complaint, and any costs or compensation so ordered to be paid shall be paid out of the wages of that person.

that person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to that person.

(2.) All orders duly made by a Naval Court under the powers hereby given to it shall in any subsequent legal proceedings be conclusive as to the rights of the parties.

(3.) All orders made by any Naval Court shall, whenever practicable, be entered in the official log-book of the ship to which the parties to the proceedings before the Court belong, and signed by the President of the Court.

484.—(1.) Every Naval Court shall make a report to the Board of Trade containing the following particulars, that is to say :—

(a.) A statement of the proceedings of the Court, together with the order made by the Court, and a report of the evidence ;

(b.) An account of the wages of any seaman or apprentice who is discharged from his ship by the Court ;

(c.) If summoned to inquire into a case of wreck or abandonment, a statement of the opinion of the Court as to the cause of that wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require.

(2.) Every such report shall be signed by the President of the Court, and shall be admissible in evidence in manner provided by this Act.

485. If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a Naval Court, or the conduct of any hearing or investigation by any Naval Court, he shall for each offence be liable to a fine not exceeding 50*l.*, or be liable to imprisonment, with or without hard labour, for any period not exceeding twelve weeks.

486.—(1.) The provisions of this Part of this Act with regard to Naval Courts on the high seas and abroad shall apply to all seagoing ships registered in the United Kingdom (with the exception, in their application elsewhere than in Scotland, of fishing-boats exclusively employed in fishing on the coasts of the United Kingdom) and to all ships registered in a British possession when those ships are out of the jurisdiction of their respective Governments, and where they apply to a ship, shall apply to the owners, master, and crew of that ship.

(2.) For the purpose of the said provisions, an unregistered British ship shall be deemed to have been registered in the United Kingdom.

Courts of Survey.

487.—(1.) A Court of Survey for a port or district shall consist of a Judge sitting with two Assessors.

(2.) The Judge shall be such person as may be summoned in accordance with the rules made under this Act to that Court out of a list approved for the port or Secretary of State, of Wreck Commissioners appointed by the Act, Stipendiary or Metropolitan Police Magistrates, County Courts, and other fit persons; but in any case in which the Board of Trade think it expedient to appoint a Commissioner, the Judge shall be such Wreck Commissioner.

(3.) The Assessors shall be persons of nautical, or other special skill and experience; subject to the provisions of the Fifth Part of this Act as regards foreign ships, one of them shall be appointed by the Board of Trade, either generally or in respect of the port, and the other shall be summoned, in accordance with the rules as aforesaid, by the Registrar of the Court, out of a list periodically nominated for the purpose by the local Marine Board of the port, or, if there is no such Board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State; if there is no such list, shall be appointed by the Judge. If the Secretary of State thinks fit at any time, on the recommendation of the Board of Trade, to add to the list persons of any British possession or any foreign country, persons to any such list, those persons shall, until otherwise directed by the Secretary of State, be added to the list, and if the list shall form the list.

(4.) The County Court Registrar or such other fit person as the Secretary of State may from time to time appoint shall be the Registrar of the Court, and shall, on receiving notice of a reference from the Board of Trade, immediately summon the parties to meet forthwith in manner directed by the rules.

(5.) The name of the Registrar and his office, together with the rules made as aforesaid relating to the Court of Survey, shall be published in the manner directed by the rules.

(6.) In the application of this section to Scotland the expression "Judge of a County Court" means a Sheriff, and the expression "County Court Registrar" means Sheriff Clerk.

(7.) In the application of this section to Ireland the expression "Stipendiary Magistrate" includes any of the Justices of the Peace in Dublin metropolis and any Resident Magistrate.

(8.) In the application of this section to the Isle of Man the expression "Judge of a County Court" means the Waterguard Judge, the expression "Stipendiary Magistrate" means the High Bailiff, and the expression "Registrar of a County Court" means a Justice of the Peace, a Deemster or a Clerk to Justices of the Peace.

488.—(1.) The Court of Survey shall hear every case referred to it by the Court.

(2.) The Judge and each Assessor of the Court shall

ship, and shall have for the purposes of this Act all the powers of a Board of Trade Inspector under this Act.

(3.) The Judge of the Court may appoint any competent person or persons to survey the ship and report thereon to the Court.

(4.) The Judge of the Court, any Assessor of the Court, and any person appointed by the Judge of the Court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle; and any person who wilfully impedes such Judge, Assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall for each offence be liable to a fine not exceeding 10*l*.

(5.) The Judge of the Court shall have the same power as the Board of Trade have to order the ship to be released or finally detained; but, unless one of the Assessors concurs in an order for the detention of the ship, the ship shall be released.

(6.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section.

(7.) The Judge of the Court shall send to the Board of Trade such report as may be directed by the rules, and each Assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

489. The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules to carry into effect the provisions of this Act with respect to a Court of Survey, and in particular with respect to the summoning of, and procedure before, the Court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules, and those rules shall have effect as if enacted in this Act.

Scientific Referees.

490.—(1.) If the Board of Trade are of opinion that an appeal in a Court of Survey involves a question of construction or design of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to assess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the Court of Survey.

(2.) The Board of Trade, if the appellant in requires and gives security to the satisfaction of the costs of and incidental to the reference, shall refer to a referee or referees so selected as aforesaid.

(3.) The referee or referees shall have the same Judge of the Court of Survey.

Payments to Officers of Courts.

491. There may be paid out of money provided to any Wreck Commissioner, Judge of a Court of in any Court of Survey or Investigation under this Registrar of a Court of Survey, scientific referee, or or person appointed for the purpose of any Court Investigation under this Part of this Act, such salary (if any) as the Treasury may direct.

PART VII.—DELIVERY OF GOODS.

Delivery of Goods and Lien for Freight.

492. In this Part of this Act, unless the context requires,—

The expression “goods” includes every description of merchandize;

The expression “wharf” includes all wharves, quays, and premises in or upon which any goods, when landed, may be lawfully placed;

The expression “warehouse” includes all warehouses and premises in which goods, when landed from a ship, may be lawfully placed;

The expression “report” means the report required by Customs laws to be made by the master of an importing ship;

The expression “entry” means the entry required by Customs laws to be made for the landing or discharge of goods from an importing ship;

The expression “ship-owner” includes the master of the ship and every other person authorized to act as agent for the shipowner to receive the freight, demurrage, or other charges payable by the cargo owner of the ship;

The expression “owner” used in relation to goods includes every person who is for the time entitled, either as owner or as agent for the owner, to the possession of the goods, subject in that behalf to any lien (if any) to that lien;

The expression "wharfinger" means the occupier of a wharf as hereinbefore defined;

The expression "warehouseman" means the occupier of a warehouse as hereinbefore defined.

498.—(1.) Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally hereinafter mentioned, the ship-owner may make entry of and land or unship the goods at the following times:—

(a.) If a time for the delivery of the goods is expressed in the charter-party, bill of lading, or agreement, then at any time after the time so expressed;

(b.) If no time for the delivery of the goods is expressed in the charter-party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, from the time of the report of the ship.

(2.) Where a ship-owner lands goods in pursuance of this section he shall place them, or cause them to be placed—

(a.) If any wharf or warehouse is named in the charter-party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, on that wharf or in that warehouse; and

(b.) In any other case on some wharf or in some warehouse on or in which goods of a like nature are usually placed; the wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods.

(3.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so, and his entry shall in that case be preferred to any entry which may have been made by the ship-owner.

(4.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on that landing and assortment shall be borne by the ship-owner.

(5.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing

thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and refused to take delivery thereof, and the ship-owner has failed to deliver, and has also failed at the time of that offer to give the owner of the goods correct information of the time at which the goods can be delivered, then the ship-owner shall, before unshipping the goods, in pursuance of this section, give the owner of the goods or of such wharf or warehouse twenty-four hours' notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without doing so at his own risk and expense.

494. If at the time when any goods are landed on board a ship, and placed in the custody of any person as a wharfinger or warehouseman, the ship-owner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the ship-owner, and is mentioned in the notice, the goods so landed shall, notwithstanding that the wharfinger or warehouseman, continue subject to the lien, if any, for such charges as they were subject to before being landed thereof; and the wharfinger or warehouseman receiving the goods shall retain them until the lien is discharged as hereinafter mentioned, and shall, if he fails so to do, make good to the ship-owner any loss thereby occasioned to him.

495. The said lien for freight and other charges shall be discharged—

(1.) Upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of the goods by the ship-owner; and

(2.) Upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal to the sum claimed as aforesaid by the ship-owner;

But in the latter case the lien shall be discharged without prejudice to any other remedy which the ship-owner may have for the recovery of the freight.

496.—(1.) When a deposit as aforesaid is made with the wharfinger or warehouseman, the person making the deposit, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating the sums, if any, which he admits to be payable to the ship-owner, or, as the case may be, that he does not admit any sum to be payable, but if no such notice is given, the wharfinger or warehouseman may, at the expiration of the fifteen days, deliver the goods deposited over to the ship-owner.

(2.) If a notice is given as aforesaid, the wharfinger or warehouseman

shall immediately apprise the ship-owner of it, and shall tender to him out of the sum deposited the sum, if any, by the notice to be payable, and shall retain the balance, if the sum is admitted to be payable, the whole of the sum for thirty days from the date of the notice.

At the expiration of those thirty days, unless legal process in the meantime been instituted by the ship-owner or owner of the goods to recover the said balance or sum, or for the settlement of any disputes which may have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods.

The wharfinger or warehouseman shall by any payment under the foregoing provisions be discharged from all liability in respect thereof.

(1.) If the lien is not discharged, and no deposit is made, the wharfinger or warehouseman may, and if required by the ship-owner shall, at the expiration of ninety days from the date when the goods were placed in his custody, or, if the goods are perishable in their nature, at such earlier period as in his discretion he may think fit, sell by public auction, either for home use or for exportation, so much of the goods as may be necessary to satisfy the claims of the wharfinger or warehouseman, and the residue hereinafter mentioned.

Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the ship-owner of the goods has been stated on the manifest to be the owner, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, send notice of the sale to the owner of the goods by post.

The title of a *bond fide* purchaser of the goods shall not be affected by reason of the omission to send the notice required by the foregoing provisions, nor shall any such purchaser be bound to inquire whether the notice has been sent.

The proceeds of sale shall be applied by the wharfinger or warehouseman as follows, and in the following order:—

First, if the goods are sold for home use, in payment of any excise duties owing in respect thereof; then in payment of the expenses of the sale; then in payment of the charges of the wharfinger or warehouseman; then to the ship-owner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between the ship-owner and the wharfinger or warehouseman; and if there is no such agreement,—

(a.) In payment of the rent, rates, and other charges payable by the wharfinger or warehouseman in respect of the goods, and then

(b.) In payment of the amount claimed by the wharfinger or warehouseman due for freight or other charges in respect of the said goods.

And the surplus, if any, shall be paid to the owner of the goods.

499. Whenever any goods are placed in the custody of the wharfinger or warehouseman, under the authority of the Act, the wharfinger or warehouseman shall be entitled to the custody in respect of the same, and shall also have power, at the request of the owner of the goods, to do all such reasonable things as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and to receive payment on the goods for the rent and expenses.

500. Nothing in this Part of this Act shall compel the wharfinger or warehouseman to take charge of any goods which he has not been liable to take charge of if this Act had not been passed, nor shall he be bound to see to the validity of any bill of lading issued by any ship-owner under this Part of this Act.

501. Nothing in this Part of this Act shall take away from any powers given by any local Act to any harbour authority, or corporate, or persons, whereby they are enabled to regulate the discharge of ships or the landing or delivery of goods, or anything in this Part of this Act take away or diminish any powers or remedies given to any ship-owner or wharfinger or warehouseman by any local Act.

PART VIII.—LIABILITY OF SHIP-OWNERS.

502. The owner of a British sea-going ship, or a foreign ship, shall not be liable to make good to any extent whatever any damage happening without his actual fault or privity, in the following cases, namely:—

(i.) Where any goods, merchandize, or other things are taken in or put on board his ship are lost or damaged by fire on board the ship; or

(ii.) Where any gold, silver, diamonds, watches, jewels, or stones taken in or put on board his ship, the true value of which have not at the time of shipment been declared to the owner or shipper thereof to the owner or master of the ship, the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, embezzlement, making away with, or destruction thereof.

503.—(1.) The owners of a ship, British or foreign,

where all or any of the following occurrences take place without their actual fault or privity (that is to say):—

(a.) Where any loss of life or personal injury is caused to any person being carried in the ship;

(b.) Where any damage or loss is caused to any goods, merchandize, or other things whatsoever on board the ship;

(c.) Where any loss of life or personal injury is caused to any person carried in any other vessel by reason of the improper navigation of the ship;

(d.) Where any loss or damage is caused to any other vessel, or to any goods, merchandize, or other things whatsoever on board any other vessel, by reason of the improper navigation of the ship;

Be liable to damages beyond the following amounts (that is to say):—

(i.) In respect of loss of life or personal injury, either alone or together with loss of or damage to vessels, goods, merchandize, or other things, an aggregate amount not exceeding 15*l*. for each ton of their ship's tonnage; and

(ii.) In respect of loss of, or damage to, vessels, goods, merchandize, or other things, whether there be, in addition, loss of life or personal injury or not, an aggregate amount not exceeding 8*l*. for each ton of their ship's tonnage.

(2.) For the purposes of this section—

(a.) The tonnage of a steam-ship shall be her gross tonnage without deduction on account of engine-room; and the tonnage of a sailing-ship shall be her registered tonnage:

Provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use, which is certified under the Regulations scheduled to this Act with regard thereto.

(b.) Where a foreign ship has been or can be measured according to British law, her tonnage, as ascertained by that measurement, shall for the purpose of this section, be deemed to be her tonnage.

(c.) Where a foreign ship has not been and cannot be measured according to British law, the Surveyor-General of Ships in the United Kingdom, or the chief measuring officer of any British possession abroad, shall, on receiving from or by the direction of the Court hearing the case, in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand and stating what would, in his opinion, have been the tonnage of the ship if she had been duly measured according to British law, and the tonnage so stated in that certificate shall, for the purposes of this section, be deemed to be the tonnage of the ship.

(3.) The owner of every sea-going ship or share thereof liable, in respect of every such loss of life, personal injury, damage to vessels, goods, merchandize, or things as aforesaid on distinct occasions to the same extent as if no other loss or damage had arisen.

504. Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life, injury, or loss of or damage to vessels or goods, and proceedings are made or apprehended in respect of that liability, the provisions of this Part of this Act may apply in England and Ireland to the High Court, or in Scotland to the Court of Session, or in a British possession to a Court of Law, and that Court may determine the amount of the liability, and may distribute that amount rateably among the claimants, and may stay any proceedings pending in any other Court in relation to the same matter, and may prescribe the manner and subject to such regulations as to matters of procedure as may be interested parties to the proceedings, and as to the costs of the proceedings, any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to paying costs, as the Court thinks just.

505. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited by the provisions of this Part of this Act, and all costs incurred in connection thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the benefit thereof.

506. An insurance effected against the happening of any loss or damage by the owner's actual fault or privity, of any or all of the things in respect of which the liability of owners is limited by the provisions of this Part of this Act shall not be invalid by reason of the provisions of this Act as to the risk.

507. In any proceeding under this Part of this Act for compensation by the owner of a ship or share therein with respect to loss of life or injury to passengers, the passenger lists under the Third Part of this Act shall be admissible as evidence that the person upon whose death proceedings are brought under this Part of this Act was a passenger on board the ship at the time of death.

508. Nothing in this Part of this Act shall be construed as to lessen or take away any liability to which any master or mate, being also owner or part owner of the ship to which the liability is attached, is subject in his capacity of master or seaman, or to the liability of a British ship which is not recognized as a British ship by the provisions of this Act.

509. This Part of this Act shall, unless the contrary intention appears, require, extend to the whole of Her Majesty's dominions.

PART IX.—WRECK AND SALVAGE.

Vessels in Distress.

510. In this Part of this Act, unless the context otherwise requires—

(1.) The expression “wreck” includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water.

(2.) The expression “salvage” includes all expenses, properly incurred by the salvor in the performance of the salvage services.

511.—(1.) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

(2.) If any person wilfully disobeys the direction of the receiver, he shall, for each offence, be liable to a fine not exceeding 50*l.*; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

512.—(1.) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—

(a.) Require such persons as he thinks necessary to assist him;

(b.) Require the master, or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel, as may be in his power;

(c.) Demand the use of any waggon, cart, or horses that may be near at hand.

(2.) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall, for each refusal, be liable to a fine not exceeding 100*l.*; but a person shall not be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the use of the same under this section.

513.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some

public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, and subject to interruption by the owner or occupier, so as to do the least possible damage as possible, and may also, on the land, deposit on those lands any cargo or other article received from the vessel.

(2.) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act of 1824, and shall be recoverable.

(3.) If the owner or occupier of any land—

(a.) Impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, or neglecting, to open the same, or otherwise; or

(b.) Impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or

(c.) Prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit.

He shall for each offence be liable to a fine not exceeding

514.—(1.) Whenever a vessel is wrecked, stranded, or otherwise as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked cargo, or the cargo or apparel of the vessel, the receiver may cause him to be apprehended.

(2.) The receiver may use force for the suppression of the plundering, disorder, or obstruction, and may command the Majesty's subjects to assist him in so using force.

(3.) If any person is killed, maimed, or hurt by the receiver resisting the receiver or any person acting under his orders, or the receiver in the execution of the duties by this Part of this Act committed to the receiver, neither the receiver nor any person acting under his orders shall be liable to any punishment, nor shall he pay any damages by reason of the person being so killed, maimed, or hurt.

515. Where a vessel is wrecked, stranded, or otherwise as aforesaid, and the vessel or any part of the cargo or other article thereof is plundered, damaged, or destroyed by any person riotously and tumultuously assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel:

and in the same manner, by the same authority, and at the same rate as if the plundering, damage, injury, or destruction, injury, stealing, or destruction in respect of which compensation is payable under the provisions of "The Riot (Damage) Act," had in the case of the vessel, cargo, or apparel not being in any port, as if the plundering, damage, injury, or destruction had taken place in the nearest police district;

and by the inhabitants of the county, city, or borough in which such offence is committed, in manner provided by the Riot Act, with respect to prosecutions for repairing the damage to any churches and other buildings, or to any other property, as near thereto as the law may permit; and

and in manner provided by the Act of the Session held in the twentieth and seventeenth year of the reign of Her present Majesty, intitled "An Act to extend the remedies for the recovery of malicious injuries to property in Ireland," with respect to damage to any dwelling-house or other property therein

1.) Where a receiver is not present, the following officers, in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of Customs, any officer of the coastguard, officer of inland revenue, sheriff, or Justice of the Peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the service of Her Majesty, may do anything by this Part of the Act authorized to be done by the receiver.

Any officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as acting on behalf of the receiver, and shall place the same in the custody of the receiver; but he shall not be entitled to any fees payable to him, nor be deprived by reason of his so acting of any right or privilege to which he would otherwise be entitled.

1.) Where any ship, British or foreign, is or has been in the waters of the United Kingdom, a receiver of wreck, or any person appointed by the Board of Trade a wreck commissioner or surveyor, or approved by the Board, or, in the absence of the persons so appointed, a Justice of the Peace, shall, as soon as conveniently may be, take an oath (and they are hereby respectively empowered to do so) on the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the contents thereof, as to the following matters, that is to

the name and description of the ship;

* 49 & 50 Vict., c. 38.

(b.) The name of the master and of the owners ;
 (c.) The names of the owners of the cargo ;
 (d.) The ports from and to which the ship was bound ;
 (e.) The occasion of the distress of the ship ;
 (f.) The services rendered ; and
 (g.) Such other matters or circumstances relating to the cargo on board the same, as the person holding the examination thinks necessary.

(2.) The person holding the examination shall put the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the Secretary of Lloyd's insurance ; the Secretary shall place it in some conspicuous situation.

(3.) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade Inspector under this Act.

Dealing with Wreck.

518. Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall—

(a.) If he is the owner thereof, give notice to the receiver of the district stating that he has found or taken possession of the wreck, and describing the marks by which the same may be recognized ;

(b.) If he is not the owner thereof, as soon as possible give notice to the receiver of the district ;

And if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding 100*l.*, and shall in addition, if he is not the owner, be liable to pay to the receiver any claim to salvage, and shall be liable to pay to the receiver the wreck if it is claimed, or if it is unclaimed to the person claiming the same, double the value thereof, to be recovered in and as a fine of a like amount under this Act.

519.—(1.) Where a vessel is wrecked, stranded, or lost at any place on or near the coasts of the United Kingdom, or in tidal water within the limits of the United Kingdom, or any other articles belonging to or separated from the vessel may be washed on shore or otherwise lost or taken from the vessel, the same shall be delivered to the receiver.

(2.) If any person, whether the owner or not, refuses to deliver possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorized by him to receive the same, that person shall for each offence be liable to a fine not exceeding 100*l.*

(3.) The receiver or any person authorized as aforesaid

any such cargo or article by force from the person so refusing to deliver the same.

520. Where a receiver takes possession of any wreck he shall within forty-eight hours—

(a.) Cause to be posted in the custom-house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished; and

(b.) If in his opinion the value of the wreck exceeds 20*l.*, also transmit a similar description to the Secretary of Lloyd's in London, and the Secretary shall post it in some conspicuous position for inspection.

521.—(1.) The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2.) Where any articles belonging to or forming part of a foreign ship which has been wrecked on or near the coasts of the United Kingdom, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the Consul-General of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any Consular officer of that country authorized in that behalf by any Treaty or Arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

522. A receiver may at any time sell any wreck in his custody if in his opinion—

(a.) It is under the value of 5*l.*; or

(b.) It is so much damaged or of so perishable a nature that it cannot with advantage be kept; or

(c.) It is not of sufficient value to pay for warehousing;

And the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

Unclaimed Wreck.

523. Her Majesty and her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of her Royal predecessors has granted to any other person the right to that wreck.

524.—(1.) Where any Admiral, Vice-Admiral, Lord of a Manor, heritable proprietor duly infeft, or other person is in the possession of any wreck found on any place with a receiver, he shall deliver to the receiver a statement of the particulars of his title, and an address to which notice may be sent.

(2.) When a statement has been so delivered and proved to the satisfaction of the receiver, the receiver, in taking possession of any wreck found at a place to which the statement refers, within forty-eight hours send to the owner a description of the wreck and of any marks by which it is distinguished.

525. Where no owner establishes a claim to a wreck found in the United Kingdom and in the possession of a receiver one year after it came into his possession, the wreck shall be sold with as follows, that is to say:—

(1.) If the wreck is claimed by any Admiral, Vice-Admiral, Lord of a Manor, heritable proprietor, or other person who has delivered such a statement to the receiver as hereinbefore provided to the satisfaction of the receiver his title to the wreck claimed wreck found at the place where that wreck was found, after payment of all expenses, costs, fees, and charges in respect thereof, shall be delivered to him;

(2.) If the wreck is not claimed by any Admiral, Vice-Admiral, Lord of a Manor, heritable proprietor, or other person, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale and other expenses incurred by him, and his fees, and charges) to the salvors such amount of salvage as the Board of Customs, in each case, or by any general rule, determine) for the Crown, as follows, that is to say:—

(a.) If the wreck is claimed in right of Her Majesty, the Receiver-General of that Duchy or his deputy shall pay part of the revenues of that Duchy;

(b.) If the wreck is claimed in right of the Duchy of Lancaster, the Receiver-General of that Duchy or his deputy shall pay part of the revenues of that Duchy; and

(c.) If the wreck is not so claimed, the receiver shall pay the proceeds of sale to the Mercantile Marine Fund for the use of Her present Majesty, and after the decease of Her Majesty, to her heirs and successors.

526.—(1.) Where any dispute arises between an Admiral, Vice-Admiral, Lord of a Manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to any wreck found on any place, or where more persons than one claim a wreck and a dispute arises between them as to the title to the wreck, the receiver shall refer the dispute to a Judge of the Admiralty, who shall determine the same.

dispute may be referred and determined in the same manner as if it were a dispute as to salvage to be determined summarily under this Part of this Act.

(2.) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any Court having jurisdiction in the matter for establishing his title.

527. Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this Part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

528.—(1.) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty.

(2.) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this Part of this Act, and the construction of those Acts for the purposes of this section in this Part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid shall be deemed to be an interest in land authorized to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking.

529. No Admiral, Vice-Admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorized by this Act.

Removal of Wrecks.

530. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, the authority may—

(a.) Take possession of and raise, remove, or destroy the whole or any part of the vessel; and

(b.) Light or buoy any such vessel or part unremoval, or destruction thereof; and

(c.) Sell, in such manner as they think fit, any vessel raised or removed, and also any other property received by the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred in relation thereto under this section, and the authorities may retain the surplus, if any, of the proceeds in trust for the payment thereof.

Provided as follows:—

(1.) A sale shall not (except in the case of property of a perishable nature, or which would deteriorate in value) be made under this section until at least seven clear days after the intended sale has been given by advertisement in a newspaper circulating in or near the district of which the authorities have control; and

(2.) At any time before any property is sold under this section the owner thereof shall be entitled to have the property sold to him on payment to the authority of the fair market value to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be appointed for the purpose by the Board of Trade, and the authority shall have authority as the value of any property under this section for the purposes of this section, be deemed to be the value of sale of that property.

531.—(1.) Where any vessel is sunk, stranded, or wrecked on any fairway, or on the seashore or on or near any bank, in the British Islands, or any of the adjacent islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general authority for the place in or near which the vessel is sunk, stranded, or wrecked, if in their opinion the vessel is, or is likely to be, an obstruction or danger to navigation or to life-boats, or to life-boat service, have the same powers in relation to the vessel by this Part of this Act conferred upon a harbour authority.

(2.) All expenses incurred by the general light authority under this section, and not reimbursed in manner provided by this Part of the Act, shall be paid out of the Mercantile Marine Fund, but shall be subject to the like estimate, account, and audit as the expenses of a general lighthouse authority, other than the expenses of the light.

532. The provisions of this Part of this Act relating to wrecks shall apply to every article or thing found on the shore or in the water, being or forming part of the tackle, equipment, or stores of a vessel.

stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof or any other property recovered therefrom shall be regarded as a common fund.

533. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final.

534. The powers conferred by this Part of this Act on a harbour, conservancy, or lighthouse authority for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Offences in respect of Wreck.

535. If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom, or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years.

536.—(1.) A person shall not without the leave of the master or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such; and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding 50*l.*, and the master of the vessel may compel him by force.

(2.) A person shall not—

(a.) Impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;

(b.) Secrete any wreck, or deface or obliterate any marks thereon; or

(c.) Wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on

or near any coast or tidal water, or any part of the cargo or appurtenances thereof, or any wreck;

And if any person acts in contravention of this enactment he shall be liable for each offence to a fine not exceeding 50*l.*, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

537.—(1.) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to any Justice of the Peace for a search warrant, and that Justice shall have power to grant such a warrant, and the receiver, by virtue thereof, may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

(2.) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled in way of salvage, to such sum not exceeding in any case 5*l.* as the receiver may allow.

Marine Store Dealers.

538.—(1.) Every person dealing in, buying, or selling any of the articles following, that is to say, anchors, cables, sails, old iron, or old iron, or other marine stores of any kind (in this Part of the Act called a marine store dealer) shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters not less than six inches in length on every warehouse and place of deposit belonging to him.

(2.) If a marine store dealer fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding 20*l.*

539.—(1.) Every marine store dealer shall keep proper books and enter therein an account of all marine stores of which he becomes possessed, stating in respect of each article the time when and the person from whom he purchased or received the same, and a description of the business and place of abode of the person.

(2.) If a marine store dealer fails to comply with the requirements of this section he shall be liable to a fine for the first offence not exceeding 20*l.*, and for every subsequent offence not exceeding 50*l.*

540.—(1.) A marine store dealer shall not by himself or his agents purchase marine stores of any description from any person presently under the age of sixteen years.

marine store dealer who purchases any article, shall be liable to a fine for the first offence not exceeding 20*l*., and for every subsequent offence not exceeding 10*l*.

A marine store dealer shall not, on any pretence, cut up or unlay any article exceeding 2*1/2* inches in length, or any cable into wire or paper stuff without obtaining a permit as required by this section.

Before a marine store dealer obtains a written permit, he shall declare before some Justice of the Peace, living where the dealer resides, sitting—

1. The quality and description of the cable or other like article cut up or unlay;

2. The name and description of the person from whom he has received the same; and

3. That he has purchased or otherwise acquired the same without any knowledge or suspicion that it has been dishonestly obtained.

After the Justice of the Peace before whom the declaration is made, the receiver of the district, upon the production of the permit, may grant a permit authorizing the marine store dealer to cut up or unlay the cable or other article.

If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section he shall be liable to a fine for the first offence not exceeding 20*l*., and for every subsequent offence not exceeding 10*l*.

(3) A marine store dealer who has obtained a permit as required by this section shall not proceed by virtue thereof to cut up or unlay any article until he has for the space of one week, at the least, advertised in some newspaper circulating in the place where he resides one or more advertisements notifying the fact of his having obtained a permit, and specifying the nature of the cable or other article mentioned in the permit, and the place where it is intended to be cut up or unlay, and the time at which it is intended to be so cut up or unlay.

If any person suspects or believes that the cable or other article is the property of the Government, he may apply to a Justice of the Peace for a warrant, and that Justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the marine store dealer of the cable or article to produce the permit, and also of the books required under this Act to be kept by the marine store dealer, and to enable the applicant to inspect and examine the cable or article.

If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable to a fine not exceeding 10*l*.

liable for the first offence to a fine not exceeding 20
subsequent offence to a fine not exceeding 50*l*.

Marking of Anchors.

543.—(1.) Every manufacturer of anchors shall anchor manufactured by him in legible characters crown and also on the shank under the stock his name shall in addition mark on the anchor a progressive weight of the anchor.

(2.) If a manufacturer of anchors fails without to comply with this section, he shall be liable for fine not exceeding 5*l*.

Salvage.

544.—(1.) Where services are rendered wholly British waters in saving life from any British or elsewhere in saving life from any British vessel payable to the salvor by the owner of the vessel, saved a reasonable amount of salvage, to be determined in manner hereinafter mentioned.

(2.) Salvage in respect to the preservation of by the owners of the vessel shall be payable in proportion to claims for salvage.

(3.) Where the vessel, cargo, and apparel are value thereof is insufficient, after payment of the incurred, to pay the amount of salvage payable preservation of life, the Board of Trade may, in award to the salvor, out of the Mercantile Marine as they think fit in whole or part satisfaction of salvage so left unpaid.

545. When it is made to appear to Her Majesty that any foreign country is willing that salvage shall be paid by British Courts for services rendered in saving life belonging to that country, when the ship is beyond British jurisdiction, Her Majesty may, by Order in Council, that the provisions of this Part of this Act with respect to the preservation of life shall, subject to any conditions and qualifications, the Order, apply, and those provisions shall apply to those services as if they were rendered in saving life within British jurisdiction.

546. Where any vessel is wrecked, stranded, or in any place on or near the coasts of the United Kingdom or in tidal water within the limits of the United Kingdom, and are rendered by any person in assisting that vessel

apparel of that vessel, or any part thereof, and where rendered by any person other than a receiver in saving, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of reward to be determined in case of dispute in manner hereinafter

Procedure in Salvage.

(1.) Disputes as to the amount of salvage, whether of life or property, and whether rendered within or without the United Kingdom, arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, otherwise, be determined summarily in manner provided by this Act in the following cases, namely:—

any case where the parties to the dispute consent;
any case where the value of the property saved does not exceed 300*l*.

any case where the amount claimed does not exceed in England 300*l*., and in Ireland 200*l*.

Subject as aforesaid, disputes as to salvage shall be determined by the High Court in England or Ireland, or in Scotland, at the next Court of Session; but if the claimant does not recover in any such Court in Great Britain more than 300*l*., and in any such Court in Scotland more than 200*l*., he shall not be entitled to recover any costs, or expenses incurred by him in the prosecution of his claim, unless the Court before which the case is tried certifies that the case ought to be tried otherwise than summarily in manner provided by this Act.

Disputes relating to salvage may be determined by the Court of either of the salvor or of the owner of the property saved, or by their respective agents.

Where a dispute as to salvage is to be determined summarily under this section it shall be referred and determined as follows:

In England it shall be referred to and determined by a Court having Admiralty jurisdiction by virtue of "The Admiralty Jurisdiction Act, 1869," or any Act in force at the same time;

In Scotland it shall be referred to and determined by the Court of Session;

In Ireland it shall be referred to the arbitration of and determined by two Justices of the Peace, or a Magistrate, or the Recorder of any borough having a Recorder, or the Recorder of Quarter Sessions in any county, and any such Justices,

Stipendiary Magistrate, Recorder, or Chairman are included in the expression "arbitrators."

(5.) Nothing in this Act relating to the procedure in cases shall affect the jurisdiction or procedure in salvage cases of any County Court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868,* or of the Admiralty (Ireland) Act, 1867,** or any Act amending those Acts.

548.—(1.) Disputes as to salvage which are to be determined summarily in manner provided by this Act shall—

(a.) Where the dispute relates to the salvage of wreck brought to a Court or Arbitrators having jurisdiction at or near the place where the wreck is found;

(b.) Where the dispute relates to salvage in the cargo or apparel rendered to any vessel, or to the cargo or apparel of a vessel saving life therefrom, be referred to a Court or Arbitrators having jurisdiction at or near the place where the vessel is brought near the port in the United Kingdom into which the vessel is brought after the occurrence by reason whereof the claim arises.

(2.) Any Court or Arbitrators to whom a dispute is referred for summary determination may, for the purpose of determining any such dispute, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum, not exceeding 5*l.*, as the Admiralty or Trade may direct.

549.—(1.) Where a dispute relating to salvage is determined summarily in manner provided by this Act, any party dissatisfied by the decision may appeal therefrom—

(a.) In Great Britain, in like manner as in the case of an appeal from judgment in an Admiralty or maritime cause of the County Court or the Sheriff's Court as the case may be; and

(b.) In Ireland, to the High Court, but only if the sum claimed exceeds 50*l.*, and the appellant within ten days after the award gives notice to the Arbitrators of his intention to appeal, and within twenty days after the date of the award, takes the proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.

(2.) In the case of an appeal from Arbitrators in Great Britain, the Arbitrators shall transmit to the proper officer of the High Court on Appeal a copy, on unstamped paper, certified under the hand of one of them to be a true copy of the proceedings had before them or him (if any) and of the award so made by them or him.

* 30 & 31 Vict., c. 114.

with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the Court of Appeal as evidence in the case.

550.—(1.) The Lord Lieutenant in Ireland may appoint out of the Justices for any borough or county a rota of Justices by whom jurisdiction in salvage cases under this Part of this Act shall be exercised.

(2.) Where no such rota is appointed the salvors may, by writing addressed to the Justice's clerk, name one Justice, and the owner of the property saved may in like manner name another Justice to be Arbitrators; and if either party fails to name a Justice within a reasonable time the case may be tried by two or more Justices at Petty Sessions.

(3.) Where a dispute as to salvage is referred to Justices under this Act, they may, if a difference of opinion arises between them, or without such difference if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute.

(4.) The Arbitrators, within forty-eight hours after any such dispute has been referred to them, and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable, with power nevertheless for such Arbitrators or umpire, by writing, duly signed, to extend the time for so making the award.

(5.) There shall be paid to every umpire appointed as aforesaid, in respect of his services, such sum, not exceeding 5*l.*, as the Board of Trade may direct.

(6.) All the costs of such arbitration, including any such payment to an umpire as aforesaid, shall be paid by the parties to the dispute, in such manner, and in such shares and proportions, as the Arbitrators or umpire may direct by the award.

(7.) The Arbitrators or umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.

(8.) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by Arbitrators under this Part of this Act.

551.—(1.) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2.) Any copy of the valuation purporting to be valuer, and to be certified as a true copy by the receiver, is admissible as evidence in any subsequent proceeding.

(3.) There shall be paid in respect of the valuation applying for the same such fee as the Board of Trade may determine.

552.—(1.) Where salvage is due to any person entitled to receive it, the receiver shall—

(a.) If the salvage is due in respect of service rendered by any vessel, or in saving life therefrom, or in saving cargo or apparel thereof, detain the vessel and cargo and

(b.) If the salvage is due in respect of the saving of the wreck, and the wreck is not sold as unclaimed under the Act, the

(2.) Subject as hereinafter mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (or any part thereof referred to as detained property), until payment is made or process is issued for the arrest or detention of the property by the competent Court.

(3.) A receiver may release any detained property, if he is satisfied that the claim for salvage is well founded, and any question is raised as to the sufficiency of the security given to the satisfaction in England or Ireland of the High Court, or in Scotland of the Court of Session, including an appeal from that Court, or the Lord Ordinary officiating on the bench during vacation.

(4.) Any security given for salvage in pursuance of the Act, to an amount exceeding 200*l.* may be enforced by the receiver in the same manner as if bail had been taken by the competent Court.

553.—(1.) The receiver may sell any detained property of persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases, namely:—

(a.) Where the amount is not disputed, and payment of the amount due is not made within twenty days after the property is due; or

(b.) Where the amount is disputed, but no appeal is taken from the first Court to which the dispute is referred, and payment is not made within twenty days after the decision of the first Court;

(c.) Where the amount is disputed and an appeal is taken from the decision of the first Court to some other Court, and payment of the amount due is made nor proceedings are commenced for the purpose of appeal.

(2.) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees, and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

554.—(1.) Where services for which salvage is claimed are rendered either by the Commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salvaged, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England, or of a Vice-Admiralty Court or Colonial Court of Admiralty, and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall bind the ship, and the cargo and freight respectively, and the respective owners of the ship, cargo, and freight, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the ship, cargo, and freight respectively to the extent of the security given.

(2.) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this Part of this Act relating to salvage by Her Majesty's ships, and on any such agreement being made the salvor and the master shall respectively make the statements required by this Part of this Act to be made in the case of the bond, but their statements need not be made on oath.

(3.) The salvor shall transmit the statements made, as soon as practicable, to the Court in which the agreement is to be adjudicated upon.

555.—(1.) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined, either summarily in manner provided by this Act or by agreement, and does not exceed 200*l.*, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him; and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects, against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2.) The receiver shall with all convenient speed distribute any

amount received by him under this section among those entitled to the same on such evidence, and in such proportions, as he thinks fit, and may retain any part which appears to him to be payable to any person who is absent.

(3.) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons who are not entitled to any portion of the amount distributed.

556. Whenever the aggregate amount of salvage in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds 200*l.*, and the aggregate amount of salvage payable in respect of salvage service rendered elsewhere has been finally ascertained, a Court may, if any delay or dispute arises, cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or control the amount may be to distribute the same, or to bring the same into Court to be there dealt with as the Court may think fit, and may for the purposes aforesaid issue such process as may be necessary.

Salvage by Her Majesty's Ships.

557.—(1.) Where salvage services are rendered by a ship belonging to Her Majesty or by the Commander or crew of a ship, no claim shall be allowed for any loss, damage, or risk incurred by the ship or her stores, tackle, or furniture, or for the use of the ship or other articles belonging to Her Majesty, supplied for the effect of those services, or for any other expense or loss incurred by Her Majesty by reason of that service, and no claim shall be allowed for services by the Commander or crew or part of the crew of Her Majesty's ships shall be finally adjudicated upon without the consent of the Admiralty to the prosecution of the claim, if proved.

(2.) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty or on his behalf, shall be sufficient for that consent.

(3.) If a claim is prosecuted and the consent is not given, the claim shall stand dismissed with costs.

558.—(1.) Where services are rendered at any place within the limits of the United Kingdom or the four seas adjoining the United Kingdom by the Commander or any of the crew of any of Her Majesty's ships in saving any vessel or cargo or property belonging to

argo, or property alleged to be saved shall, if the salvor is by the circumstances of the case in detaining it, be taken to the port where there is a Consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.

The salvor and the master, or other person in charge of the cargo, or property saved, shall, within twenty-four hours arriving at the port, each deliver to the Consular officer or to the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying, so far as respects the cargo, and so far as those particulars are applicable, the particulars set out in the First Part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second Part of that Schedule.

—(1.) The bond shall be in such sum as the Consular officer or Judge thinks sufficient to answer the demand for salvage service, and the sum fixed shall not exceed one-half of the amount which, in the opinion of the Consular officer or Judge, is the value of the cargo in respect of which salvage has been rendered.

Where the vessel, cargo, or property in respect of which the services are rendered is not owned by persons domiciled in the Majesty's dominions, the master shall procure such security for the performance of the bond as the Consular officer or Judge thinks sufficient to be lodged with that officer or Judge, or with that officer and Judge and such other persons jointly as the salvor may

The Consular officer or Judge shall fix the amount of the bond within four days after the receipt of the statements required by the First Part of this Act, but if either of those statements is not received within the time required by this Part of this Act, he may fix the same *ex parte*.

A Consular officer may for the purposes of this section take such evidence as he may think fit.

Nothing in this section shall authorize the Consular officer or Judge to require the cargo of any ship to be unladen.

—(1.) The Consular officer or Judge, on fixing the sum to be secured by the bond, shall send notice thereof to the salvor and to the master, and on the execution of the bond by the master in the sum so fixed, shall be in the presence of the Consular officer or Judge (who shall be the same), and upon delivery thereof to the salvor, and in the case where security is to be lodged, on that security being duly lodged, shall be the right of the salvor to detain the vessel, cargo, or property until the bond is paid.

The bond shall bind the respective owners of the vessel, cargo, and freight, and their heirs, executors, and administrators,

for the salvage adjudged to be payable in respect of cargo, and freight respectively.

561.—(1.) The bond shall be adjudicated on and enforced in the High Court in England, unless the salvor and master stipulate in writing at the time of the execution of the bond that the bond may be made on and enforced in any specified Colonial Court, or the Vice-Admiralty Court, but that Court shall in that case exercise the same power and authorities for the purpose as the High Court in England.

(2.) The High Court in England shall have power to require the bond given in pursuance of this Part of this Act to be made before the Court of Admiralty or Vice-Admiralty Court in England, or in Majesty's dominions, and any Court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands, shall assist that Court in enforcing those bonds.

(3.) Where security has been given for the performance of the bond, the persons with whom the security is lodged shall be the same as the Court adjudicating upon the bond.

(4.) The Consular officer or Judge shall at the time of the execution of the bond transmit the statements and documents on which the bond is based, and the notice of the sum fixed in the bond to the High Court in England or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may require.

562.—(1.) Nothing contained in this Part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the crew of any of the crew thereof, to proceed for the enforcement of his salvage claim otherwise than in manner provided in this Part of this Act; and the salvor shall have no right to detain the property saved, unless he elects to proceed under this Part of this Act.

(2.) Nothing contained in this Part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the crew of any of the crew thereof, in any case which is not provided for hereunder.

563. Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty.

564. If any person in any proceeding under this Part of this Act relating to salvage by Her Majesty's ships—

(a.) Forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or fraudulently altered, any document; or

puts off or makes use of any forged or altered document
 the same to be so forged or altered; or
 gives or makes, or assists in giving or making or procures
 or made, any false evidence or representation knowing
 to be false;
 person shall for each offence be liable to imprisonment
 without hard labour, for any period not exceeding two years.
 summary conviction, to imprisonment with or without hard
 labour for any period not exceeding six months.

Jurisdiction of High Court a Salvage.

Subject to the provisions of this Act the High Court and
 the Court of Session shall have jurisdiction to decide
 claims whatsoever relating to salvage, whether the services
 of which salvage is claimed were performed on the high
 within the body of any country, or partly on the high seas
 within the body of any country, and whether the wreck
 of which salvage is claimed is found on the sea or on the
 partly on the sea and partly on the land.

Appointment of Receivers of Wreck.

The Board of Trade shall have the general superintendence
 at the United Kingdom of all matters relating to wreck,
 with the consent of the Treasury, appoint any officer of
 or of the coastguard, or any officer of inland revenue, or,
 appears to such Board to be more convenient, any other
 be a receiver of wreck (in this Part of the Act referred
 receiver), in any district, and to perform the duties of
 under this Part of this Act, and shall give due notice of the
 appointment.

Fees of Receivers of Wreck.

(1.) There shall be paid to every receiver the expenses
 incurred by him in the performance of his duties, and
 in respect of the several matters specified in the Twentieth
 section of this Act, such fees not exceeding the amounts therein
 provided as may be directed by the Board of Trade, but a
 receiver shall not be entitled to any remuneration other than those
 provided.

The receiver shall, in addition to all other rights and
 remedies for the recovery of those expenses or fees, have the same
 remedies in respect thereof as a salvor has in respect of
 his due to him.

(3.) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver for expenses or fees, that dispute shall be determined by the Board of Trade, and the decisions of that Board shall be final.

(4.) All fees received by a receiver in respect of services performed by him as receiver shall be carried to the Mercantile Marine Fund, but a separate account shall be kept of those fees, and the moneys arising from them shall be applied in defraying any expenses duly incurred in carrying out the provisions of this Act in such a manner as the Board of Trade direct.

568.—(1.) Where services are rendered by any person in connection with the coastguard service in watching or protecting property, then, unless it can be shown that those services have been declined by the owner of the property or have been tendered at the time they were tendered, or that salvage has been awarded for those services, the owner of the property shall be liable in respect of those services remuneration according to the scale fixed by the Board of Trade; and that remuneration shall be recoverable by the same means, and shall be paid to the persons, and accounted for and applied in the same manner as the fees received by receivers under the provisions of this Part of the Act.

(2.) The scale fixed by the Board of Trade shall be the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the coastguard Customs is for the time being regulated.

Duties on Wreck.

569.—(1.) All wreck, being foreign goods brought into the United Kingdom or Isle of Man, shall be liable to the same duties as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the property of the country as the Commissioners of Customs may determine.

(2.) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be returned to the port of her original destination, and all goods and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which they were shipped; but those Commissioners should take such measures as may be necessary for the due protection of the revenue in respect of those goods.

Supplemental.

570. Any matter or thing which may be done under this Part of this Act by or to a Justice of the Peace, or a Court of Summary Jurisdiction, may in Scotland be done by or to the Sheriff of the County.

571. Nothing in this Part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque Ports, or of any Court of those ports, or of any Court having concurrent jurisdiction within the boundaries of those ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined.

PART X.—PILOTAGE.

Preliminary.

572. This Part of this Act extends to the United Kingdom and the Isle of Man only, but applies to all ships, British and foreign.

573. In this Act the expression "pilotage authority" includes all bodies and persons authorized to appoint or license pilots or to fix or alter rates of pilotage or to exercise any jurisdiction in respect of pilotage.

574. Every pilotage authority shall retain all powers and jurisdiction which they now lawfully possess, so far as the same are consistent with the provisions of this Act; but no law relating to that authority, or to the pilots licensed by them, and no act done by that authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

Powers of Board of Trade as to Pilotage Districts and Authorities.

575.—(1.) The Board of Trade may by provisional order—

(a.) In any area where there is no pilotage authority, constitute new pilotage authorities and districts; and

(b.) Extend the limits of any pilotage district by including therein any area in which there is no pilotage authority.

(2.) There shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licences as pilots in any new pilotage district constituted under this section, or in any area included in a pilotage district under this section.

576.—(1.) Whenever any pilotage authority residing or having

their place of business at one port have or exercise matters of pilotage in any other port, the Board of Trade may by provisional order—

(a.) Transfer so much of the jurisdiction as is now exercised by the said authority at any port mentioned port, either to any harbour authority exercising any local jurisdiction in maritime matters, or to any body to be constituted for the purpose by the Board of Trade by provisional order, or (where the said pilotage authority is the Trinity House) to the Trinity House; or

(b.) Transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to be consistent with the interests of the several ports concerned.

(2.) For the purpose of any transfer under the above provisions the Board of Trade may by provisional order—

(a.) Incorporate the body to whom the transfer is made with a new body;

(b.) Make the body to whom the transfer is made a new authority, with such powers as may be mentioned in the provisional order;

(c.) Determine the limits of the district of the port to which the transfer is made;

(d.) Sanction a scale of pilotage rates to be taken from the pilots licensed by that authority;

(e.) Determine to what extent and under what conditions the pilots then already licensed by the pilotage authority to whom the transfer is made are to continue to act under the jurisdiction of that authority;

(f.) Sanction arrangements for the apportionment of the funds belonging to the pilots licensed by the pilotage authority from whom the transfer is made, between the pilots who remain under the jurisdiction of that authority, and the pilots who are transferred to the jurisdiction of the authority to whom the transfer is made;

(g.) Provide for such compensation or superannuation as may seem just to officers employed by the pilotage authority to whom the transfer is made, and not continued by the pilotage authority to whom the transfer is made.

577. The Board of Trade may by provisional order make any provision or further provision for the direct representation of the pilots, and, if it seems expedient, also of ship-owners, in the exercise of the authority of any district, or if there is a pilotage authority, or any body of Commissioners or Sub-Commissioners appointed by that authority, then on that Committee.

578. The Board of Trade may by provisional order

masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and annex any terms and conditions to those exemptions.

579.—(1.) Where the pilotage is not compulsory, and there is no restriction on the power of duly qualified persons to obtain licences as pilots, the Board may by provisional order give any pilotage authority power to license pilots, and to fix pilotage rates for their district or any part of their district for which no such licences or rates for the time being exist, and to raise all or any of the pilotage rates in force in their district or any part of their district; and, where there is also no restriction on the number of pilots, to give additional facilities for the recovery of pilotage rates, and for preventing the employment of unqualified pilots.

(2.) The Board of Trade may by provisional order give facilities for enabling duly qualified persons, after examination as to their qualifications, to obtain licences as pilots.

580.—(1.) The Board of Trade may make a provisional order under this Part of this Act on the application in writing of some person interested in the pilotage of the district or in the operation of the laws or regulations relating to that pilotage.

(2.) Notice of the application having been made shall be published once at least in each of two successive weeks in the month immediately succeeding the date of the application in the "Shipping Gazette," and in some newspaper or newspapers circulating in the county, or, if there are more than one county, in the counties adjacent to the pilotage district to which the application relates.

(3.) The notice shall state the objects which it is proposed to effect by the provisional order.

(4.) The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed provisional order, and shall for that purpose allow at least six weeks to elapse between the date on which the application is referred to the pilotage authority and that on which the provisional order is made.

(5.) The Board of Trade shall, after considering all objections, determine whether to proceed with the provisional order or not; and shall, if they determine to proceed with the order, settle the order in such manner and with such terms and conditions, not being inconsistent with the provisions of this Act, as they may think fit; and shall, when they have settled the order, forward

copies thereof to the persons making the application for pilotage authority of any district to which it refers.

(6.) A provisional order under this Part of the Act shall not take effect unless and until it is confirmed by Parliament. For the purpose of that confirmation the Board of Trade shall introduce into Parliament a public general Bill in which, or to which, the provisional order or provisional orders shall be confirmed shall be set out at length.

(7.) If any Petition is presented to either House of Parliament against any such provisional order in the progress of the Bill confirming the same, so much of the Bill as relates to the order petitioned against may be referred to a Select Committee, and the petitioner shall in that case be allowed to oppose as in the case of private Bills.

Bye-laws by Pilotage Authorities.

581. Every pilotage authority may, by bye-law made under this Part of this Act, exempt the masters of any ships or boats from being compelled to employ qualified pilots, subject to any terms and conditions to those exemptions, and may make any such exemptions or any exemptions existing by virtue of any Act of Parliament, Law, Charter, or usage, upon such terms and conditions and in such manner as may appear to the authority.

582. Subject to the provisions of this Part of this Act, a pilotage authority may by bye-law made under this Part of this Act—

(1.) Determine the qualification in respect of age, experience, service, skill, character, and otherwise, to be required of persons applying to be licensed as pilots;

(2.) Make regulations respecting the approval of persons to be pilot boats in their district;

(3.) Provide for the establishment and regulation of pilot boats for the support of those pilot boats and for a share of the profits therein;

(4.) Fix the terms and conditions of granting licences to pilots and apprentices, and pilotage certificates for masters and apprentices;

(5.) Make regulations for the government of pilotage authorities, apprentices licensed by them, and of masters and apprentices granted by them, and for ensuring the proper conduct and constant attendance to, and effectual discharge of their duty whether at sea or on shore, and provide for the punishment of any breach of those regulations by the suspension of the licence or certificate of the person

breach, or by the infliction of fines not exceeding 20*l.*, to be recoverable as fines are recoverable under this Act;

(6.) Fix the rates and prices or other remuneration to be demanded and received for the time being by the pilots licensed by them, and alter the mode of remuneration of those pilots in such manner as they think fit, so, however, that no higher rates or prices are demanded or received in the case of the Trinity House than those set out in the Table contained in the Twenty-first Schedule to this Act, and in the case of any other pilotage authority than those which might have been lawfully fixed or demanded by that authority under any Act, Charter, or custom in force immediately before the 1st day of May, 1855;

(7.) Make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of that other authority, or the privileges of the pilots licensed by that other authority, or any of them, to all or any part of its own district, or for limiting its own powers or the privileges of its own pilots or any of them, or for sharing the said last-mentioned powers and privileges with that other authority and the pilots licensed by it, or for delegating or surrendering those powers and privileges, or any of them, to any other pilotage authority already constituted or to be constituted by agreement between those authorities, and to the pilots licensed by it, as may appear to those pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping;

(8.) Establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children; and make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (those persons to be in the service of the pilotage authority) to and in which and by and upon whom the contributions in support of those existing or future funds may be made or levied, and declare what persons or class of persons (the person or class of persons being limited to the men in the service of the pilotage authority, their wives, widows, or children) are entitled to participate in the benefits of any existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled;

(9.) Require masters and mates who hold pilotage certificates granted by them or by the Board of Trade under this Part of this Act to contribute towards the pilotage fund of the district, and to make a periodical return to them of the pilotage services rendered by them; provided that the contribution so required from master or mate shall not exceed such proportion of the pilotage

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dues which would have been payable in respect of his not held a pilotage certificate, as may be fixed by Trade;

(10.) Provide for the granting by them of s qualifying the persons to whom those licences are granted pilots for any part of the sea or channels beyond the pilotage district; so, however, that no pilot so licensed supersede an unlicensed pilot outside the district of to which he is licensed.

583.—(1.) A bye-law under this Part of this Act effect until it is submitted to Her Majesty in Council by Order in Council.

(2.) Any bye-law proposed to be made under the Act shall, before it is submitted for confirmation, in such manner as the Board of Trade direct.

584. If at any port either—

(a.) The majority of the qualified pilots belonging or

(b.) The Local Marine Board; or

(c.) Where there is no Local Marine Board, any number not less than six, being masters, owners, or insurers of

Consider themselves aggrieved by any regulation of pilotage authority in force before the 1st day of May under any power other than a power contained in this Act repealed by this Act, or by a defect or omission in the regulation or bye-law, they may appeal to the Board; the Board may thereupon by order revoke, alter, or add to that regulation or bye-law, in such manner as, in the interests of the persons concerned, appears just and expedient, and any order so made shall be in the matter in respect of which it is made.

Returns by Pilotage Authorities.

585.—(1.) Every pilotage authority shall deliver to the Board of Trade, in the form and at the time required by the Board, returns of the following particulars with regard to their district:—

(a.) All bye-laws or other regulations, whether made under the Act or not, relating to pilots or pilotage for the district in force;

(b.) The names and ages of all pilots or apprentices authorized to act by the authority making the returns; the pilots or apprentices acting either directly or indirectly under the authority, whether so licensed or authorized or not;

(c.) The service for which each pilot or apprentice is licensed ;

(d.) The rates of pilotage for the time being in force, including therein the rates and descriptions of all charges upon shipping made for or in respect of pilots or pilotage ;

(e.) The total amount received for pilotage, distinguishing the several amounts received from British ships and from foreign ships respectively, and the several amounts received in respect of different classes of ships paying different rates of pilotage, according to the scale of those rates for the time being in force, and the several amounts received for the several classes of service rendered by pilots ; and also the amount paid by such ships (if any) as have, before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to take or pay for two or more pilots, whether licensed by the same or by different pilotage authorities ; together with the numbers of the ships of each of the several classes paying such several amounts as aforesaid ;

(f.) The receipt and expenditure of all moneys received by or on behalf of the authority making the return, or by or on behalf of any Sub-Commissioners appointed by them, in respect of pilots or pilotage ;

(g.) The receipts and expenditure, under separate accounts, in respect of any pension or superannuation funds administered by or under the control of the authority making the return.

(2.) Every pilotage authority shall allow the Board of Trade, or any person appointed by the Board of Trade for the purpose, to inspect any books or documents in the possession of that authority relating to any matter in respect of which a return is required under this section.

(3.) The Board shall cause any returns made to them under this section to be laid before both Houses of Parliament without delay.

(4.) If any pilotage authority (other than the Trinity House, or Sub-Commissioners of Pilotage appointed by them under this Part of this Act) fail, without reasonable cause, to deliver to the Board of Trade any return required under this section within one year after the time fixed by the Board of Trade for the purpose, or fail without reasonable cause to comply with the requirements of this section with regard to the inspection of books and documents, Her Majesty may, by Order in Council, direct that all the rights and powers of that authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and thereupon the Trinity House shall thereafter, or during the time for which the suspension continues, have the same powers of appointing Sub-Commissioners of Pilotage, and of licensing pilots, and of establishing and altering rates of pilotage within the district of the authority making default, as the Trinity House are by this

Act authorized to exercise in a district within which provision for the appointment of pilots is made by Parliament or charter, and shall also during that time have the same rights, title, and powers to and in respect of the funds or other pilotage property which the pilot making default would or might have had if the right of that authority had not ceased or been suspended.

Licensing of Pilots.

586.—(1.) A pilot shall be deemed a qualified pilot for the purposes of this Act, if duly licensed by any pilotage authority to conduct ships to which he does not belong.

(2.) Every qualified pilot, on his appointment, shall produce his licence containing his name and usual place of abode, and of his person, and a specification of the limits within which he is qualified to act.

(3.) The Chief Officer of Customs at the place to which any qualified pilot resides shall, on his request, register his licence, and a qualified pilot shall not be entitled to act until his licence is so registered.

(4.) Every qualified pilot acting beyond the limits within which he is qualified by his licence shall be considered an unqualified pilot.

587. Every qualified pilot shall, on receiving his licence, be furnished with a copy of this Part of this Act, and of the rates, bye-laws, and regulations established with reference to the pilotage for which he is licensed; and he shall produce those regulations to the master of any ship, or other person employing him, when he is required to do so, and if he fails without reasonable cause to do so, he shall be liable to a fine not exceeding 5*l*.

588.—(1.) Every qualified pilot when acting as pilot shall be provided with his licence and shall produce it to every person by whom he is employed or to whom he is required to render services as pilot.

(2.) If a qualified pilot refuses, on the request of any person, to produce his licence, he shall for each offence be liable to a fine not exceeding 10*l*., and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

589.—(1.) Every qualified pilot, when required to produce his licence to the pilotage authority by whom he is licensed, shall produce it up to his licence to that authority.

(2.) On the death of any qualified pilot, the person to whose hands his licence comes shall without delay transmit it to the pilotage authority who licensed the deceased pilot.

(3.) If any pilot or other person fails to comply with the provisions of this section, he shall be liable to a fine not exceeding 10*l*., and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

ments of this section, he shall for each offence be liable to a fine not exceeding 10*l*.

590. If an unqualified pilot for the purpose of making himself appear to be a qualified pilot uses a licence which he is not entitled to use, he shall for each offence be liable to a fine not exceeding 50*l*.

Recovery of Pilotage Dues and other Rights of Pilots.

591.—(1.) The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained ; namely :—

(a.) The owner or master ;

(b.) As to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge ;

(c.) As to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port from which she clears out ;

And those dues may be recovered in the same manner as fines of like amount under this Act, but that recovery shall not take place until a previous demand has been made in writing.

(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

592. A qualified pilot shall not demand or receive, and a master shall not offer or pay to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may be demanded by law, and if a pilot or master acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding 10*l*.

593. If any boat or ship having on board a qualified pilot leads any ship which has not a qualified pilot on board when the last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

594.—(1.) A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever, and if he is taken under circumstances of unavoidable necessity, or without

his consent, shall be entitled, over and above his to the sum of 10s. 6d. a-day.

(2.) The sum so to be paid shall be computed from the day on which the ship passes the limit up to which he was engaged to pilot her, and up to and inclusive of the day of his being returned in the said ship to the place taken on board, or, if he is discharged from the ship before that place, such day as will allow him sufficient time thereto; and in the last-mentioned case he shall be entitled to reasonable travelling expenses.

595.—(1.) The master of a ship, on being required by a qualified pilot having the charge of his ship, shall not draught of water.

(2.) If a master refuses so to declare the draught of water himself makes, or is privy to any other person making a declaration to the pilot in relation thereto, he shall be liable to a fine not exceeding double the amount of the draught which would have been payable to that pilot.

(3.) If the master of a ship, or any other person in charge of a ship, makes, or is privy to the making of, any fraudulent declaration in the marks on the stem or stern post of the ship, or draught of water, he shall for each offence be liable to a fine not exceeding 500*l*.

596. An unqualified pilot may, within any port, act as pilot without subjecting himself or his employer to any penalty for the charge of a ship as pilot—

(a.) When no qualified pilot has offered to take the ship, or made a signal for that purpose;

(b.) When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the services of a pilot which can be found at the time; or

(c.) For the purpose of changing the moorings in any port, or of taking her into or out of any dock, or of any other act, the act can be done by an unqualified pilot without incurring the regulations of the port, or any orders which the port authority is legally empowered to give.

597. A qualified pilot may supersede an unqualified pilot, and the master shall pay to the unqualified pilot a proportion of the pilotage for his services, and deduct that sum from the pilotage payable to the qualified pilot; and in case of dispute the pilotage shall be determined by whom the qualified pilot is licensed shall determine the sums to which each party is entitled.

598.—(1.) If an unqualified pilot, whether within or without a port, to which pilotage is compulsory or outside such a district, continues in the charge of a ship after a qualified pilot

to take charge of the ship he shall for each offence be liable to a fine not exceeding 50*l*.

(2.) If a master of a ship, whether navigating within a district in which pilotage is compulsory or outside such a district, knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

Pilotage Certificates for Masters and Mates.

599.—(1.) A pilotage authority may, if they think fit, on the application of the master or mate of any ship, and on payment by him of the usual expenses, examine him as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owner as that ship, within any part of the district of the pilotage authority.

(2.) A pilotage authority, if on examination they find that any master or mate is competent, shall grant him a certificate (in this Act referred to as a pilotage certificate), specifying—

- (a.) The name of the person to whom it is granted ;
- (b.) The ship or ships in respect of which it is granted ;
- (c.) The limits within which the master or mate is entitled to pilot the ship or ships ; and
- (d.) The date on which it is granted.

(3.) The person to whom a pilotage certificate is granted shall, while he acting as master or mate of any of the ships specified in the certificate, be entitled to pilot that ship within the limits specified in the certificate without incurring any penalty for not employing a qualified pilot.

(4.) A pilotage certificate so granted shall not be in force for more than the period of one year from its date, but may be renewed from year to year by an endorsement under the hand of the Secretary or other proper officer of the pilotage authority who have granted the certificate.

600.—(1.) If it appears to the Board of Trade upon complaint made to them—

(a.) That a pilotage authority have without reasonable causes refused or neglected to examine a master or mate who has applied to them for the purpose ; or

(b.) That a pilotage authority have without reasonable cause refused or neglected to grant a pilotage certificate after examination ; or

(c.) That an examination of a master or mate has been unfairly or improperly conducted ; or

(d.) That a pilotage authority have imposed upon terms or conditions on the granting of a certificate;

(e.) That a pilotage certificate has been improperly obtained from the holder thereof;

The Board of Trade, if the circumstances of the case require it, may appoint persons to examine the holder, and, if he is found competent, grant him a pilotage certificate upon such terms and conditions as they think fit.

(2.) The pilotage certificate so granted shall conform with the particulars, be of the same effect, and be in force for the same period as a certificate granted by a pilotage authority. It may be renewed either by the pilotage authority of the district or by the Board of Trade think fit by that Board, and the certificate granted by the Board of Trade, shall be endorsed or countersigned by some person appointed by the Board of Trade for the purpose, and, if it is granted by a pilotage authority, shall be countersigned by that authority, in the same manner as in the case of a certificate originally granted by them.

601. The Board of Trade or a pilotage authority, may respectively withdraw any pilotage certificate granted by them if it appear to them that the holder thereof has been guilty of misconduct, or has shown himself incompetent to pilot a vessel, and a certificate so withdrawn shall cease to be of effect.

602.—(1.) Masters and mates shall pay such fees for the granting and renewal of pilotage certificates as—

(a.) In the case of certificates granted or renewed by a pilotage authority may be fixed by that authority with the sanction of the Board of Trade;

(b.) In the case of certificates granted or renewed by the Board of Trade may be fixed by that Board, provided that the fees do not exceed the fees paid by qualified pilots in the same district, and the granting and renewal of licences.

(2.) The fees so received by a pilotage authority for certificates shall be applicable to the expenses of the examinations for the certificates and to the payment of the charges in connection with the preparation and renewal of the certificates, and may be approved by the Board of Trade, and the surplus shall be applied for the benefit of the Pilots' Superannuation Fund of the port or district (if any), or otherwise for the benefit of the qualified pilots of the port or district to which the certificates are granted in such manner as the pilotage authority may think fit.

(3.) The fees received by the Board of Trade for pilotage certificates shall be applicable to the expenses of the examinations for those certificates, and the surplus shall be applied for the benefit of the qualified pilots of

to which the certificates apply, in such manner as the Board

Compulsory Pilotage.

(1.) Subject to any alteration to be made by the Board of Trade by any pilotage authority in pursuance of the powers herein contained, the employment of pilots shall continue to be compulsory in all districts where it was compulsory immediately before the commencement of this Act, but all exemptions from that compulsory pilotage shall continue to be in force.

Where within a district where pilotage is compulsory the master of an exempted ship, after a qualified pilot has offered to take command of the ship, or has made a signal for the purpose, pilots his ship without holding the necessary certificate, he shall be liable for each offence to a fine of double the amount of the pilotage which could be demanded for the conduct of the ship.

(1.) The master of every ship carrying passengers between ports in the British Islands and any other place so situated as to require navigating within the limits of any district for which a pilotage certificate is licensed under this or any other Act, employ a qualified pilot, unless he or the mate of his ship holds a pilotage certificate or a certificate granted under this section applying to the district, and, if he fails to do so, shall for each offence be liable to a fine not exceeding 100*l*.

The Board of Trade, on the application of the master or mate of any ship as aforesaid, and on being satisfied, by examination and otherwise, as the Board may deem expedient, of the competency of the master or mate, may grant him a certificate authorizing him to command any ship or ships belonging to the same owner, and not requiring a greater draught of water than that stated in the certificate, within the limits aforesaid, and any master or mate to whom the certificate is granted shall be entitled to conduct any such ship as authorized in the certificate within the limits specified in the certificate.

The certificate shall remain in force for such time as the Board of Trade may direct, and may be endorsed on any certificate of competency obtained under the Second Part of this Act.

A master or mate shall, on the application for a certificate under this section, or for a renewal thereof, pay to the Board of Trade, as the Board directs, such fees not exceeding those payable under the Second Part of this Act on an examination for a certificate of competency as the Board of Trade may determine, and those fees shall be applied as the fees payable on that examination.

605.—(1.) The master and owner of any ship p any pilotage district in the United Kingdom on a v two places both situate out of that district shall be any obligation to employ a pilot in that district or rates when not employing a pilot within that district.

(2.) The exemption under this section shall no loading or discharging at any place situate within at any place situate above the district on the sa tributaries.

Offences, and Suspension and Dismissal, of

606.—(1.) If a qualified pilot, either within or with for which he is licensed—

(a.) Himself keeps, or is interested in keeping servant, or other person, any public-house or place of entertainment, or sells, or is interested in selling, any v liquors, tobacco, or tea ;

(b.) Commits any fraud or offence against th customs, or against the excise or the laws relating the

(c.) Is in any way directly or indirectly concerned practices relating to ships, their tackle, furniture, ca passengers, or to persons in distress at sea or by s their moneys, goods, or chattels ;

(d.) Lends his licence ;

(e.) Acts as pilot whilst suspended ;

(f.) Acts as pilot when in a state of intoxication

(g.) Employs or causes to be employed on bo which he has charge any boat, anchor, cable, or other s thing, beyond what is necessary for the service of intent to enhance the expenses of pilotage for his own gain of any other person ;

(h.) Refuses or wilfully delays, when not prevent other reasonable cause, to take charge of any ship w of his licence upon the signal for a pilot being made upon being required to do so by the master, owner signee thereof, or by any officer of the pilotage aut the pilot is licensed, or by any Chief Officer of Custom

(i.) Unnecessarily cuts or slips, or causes to be cut cable belonging to any ship ;

(k.) Refuses, when requested by the master, to c of which he has charge into any port or place in qualified to conduct the same, except on reasonable gr to the ship ; or

(l.) Quits the ship of which he has charge with

master before the service for which he was hired and licensed;

pilot shall for each offence, in addition to any liability he may be liable to a fine not exceeding 100*l*.

If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any damages, be liable to a fine not exceeding 100*l*.

If a qualified pilot commits an offence under this section, he shall, in addition to his liability to a fine, be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

If any pilot, when in charge of a ship, by wilful breach of duty, or by neglect of duty, or by reason of criminal negligence,

does any act tending to the immediate loss, destruction, or damage of the ship, or tending immediately to endanger the life of any person on board the ship; or

refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction, or damage, or for preserving any person belonging to or on board the ship from danger to life or limb;

the pilot shall in respect of each offence be guilty of a misdemeanour, and, if a qualified pilot, shall also be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

If any person by wilful misrepresentation of circumstances which the safety of a ship may depend upon, obtains, or endeavours to obtain, the charge of that ship, that person and every person who aids, abets, or connives at the commission of the offence shall, in addition to any liability for damages, be liable for each offence to a fine not exceeding 100*l*., and, if a qualified pilot, also to suspension or dismissal by the pilotage authority by whom he is licensed.

Where provision has been made in pursuance of this Part of the Act for the representation of pilots on the Pilotage Committee, or Commissioners, or Sub-Commissioners, for any pilotage district, the Committee, Commissioners, or Sub-Commissioners shall have the like power to suspend or dismiss, or to suspend or revoke the licence of, any pilot licensed for that district who is guilty of an offence under this Part of this Act as the pilotage authority.

(1.) If a pilot is aggrieved by the decision of a pilotage authority, or a Pilotage Committee, or of any Commissioners or Sub-Commissioners for a pilotage district, with respect to his suspension or dismissal, or the suspension or revocation of his licence,

or the imposition of a fine which exceeds 2*l.*, or the any pilotage fund to which he has contributed prejud in respect of the fund, he may appeal therefrom either County Courts having jurisdiction within the port for is licensed, or to a Metropolitan Police Magistrate Magistrate having jurisdiction within that port.

(2.) For the purpose of hearing the appeal, Magistrate shall sit with an assessor of nautical experience.

(3.) The assessor shall be selected and summoned or Magistrate, but if the appellant is a pilot licensed House for any district on the coast of England o assessor shall be selected from the Brethren of the T

(4.) Objection may be taken to any person propo moned as an assessor, either personally or in respect o tion, and by either party to the appeal.

(5.) The Judge or Magistrate may either confirm decision appealed against, or modify the same by decreasing any penalty or otherwise, as may seem decision shall be final.

(6.) The costs incurred by a pilotage authority un shall be payable out of any funds applicable to the ge of the pilotage authority.

(7.) Rules with respect to the procedure unde (including costs and the remuneration of assessors) as respects County Court Judges, by the authority ha make rules of practice under "The County Courts Ac as respects Metropolitan Police and Stipendiary Ma Secretary of State, but in either case with the conc Treasury as to fees.

(8.) In Scotland the appeal under this section s Sheriff having jurisdiction at the port where the dec and may be heard by the Sheriff sitting with an assess in this section, and rules may be made by the Court Acts of sederunt with respect to the procedure in appeals in Scotland (including costs and the rer assessors) subject to the concurrence of the Treasury

(9.) In the application of this section to Ireland—

(a.) The expressions "Judge of County Courts" shall respectively mean a County Court Judge and Quarter Sessions, and include Recorder;

(b.) The expressions "Stipendiary Magistrate" trate" shall respectively mean a Magistrate appointe Constabulary (Ireland) Act, 1836."†

* 51 & 52 Vict., c. 43.

† 6 & 7 Wm.

(c.) Rules with respect to the procedure in case of appeals under this section (including costs and the remuneration of assessors) may from time to time be made, as respects County Court Judges and Chairmen of Quarter Sessions, by the authority having power to make rules and orders for regulating the practice under "The County Officers and Courts (Ireland) Act, 1877,"* and as respects Stipendiary Magistrates by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Treasury as to fees.

Pilot Boats and Pilot Signals.

611. All boats and ships regularly employed in the pilotage service of any district (in this Part of this Act referred to as pilot-boats) shall be approved and licensed by the pilotage authority of the district, and that authority may, at their discretion, appoint and remove the masters of those pilot-boats.

612.—(1.) Every pilot-boat shall be distinguished by the following characteristics, namely:—

(a.) On her stern the name of her owner and the port to which he belongs, painted in white letters at least 1 inch broad and 6 inches long, and on each bow the number of her licence.

(b.) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct.

(c.) When afloat a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot-boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, to be placed at the masthead, or on a sprit or staff, or in some equally conspicuous situation.

(2.) It shall be the duty of the master of the pilot-boat to see that the pilot-boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance; and also that the names and numbers aforesaid are not at any time concealed; and if a master fails without reasonable cause to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding 10*l.*

613.—(1.) When a qualified pilot is carried off in a vessel not in the pilotage service, he shall exhibit a pilot flag in order to show that the vessel has a qualified pilot on board; and if he fails, without reasonable cause, to do so, he shall for each offence be liable to a fine not exceeding 50*l.*

(2.) Where the master or mate of a ship holds a pilotage certificate, a pilot flag shall be displayed on board the ship while that

* 40 & 41 Vict., c. 56.

master or mate is on board and the ship is within the district in which pilotage is compulsory, and if defaulting in complying with the enactment, the master of the ship shall be liable to a fine not exceeding 20*l*.

614. A pilot flag or a flag so nearly resembling the same as to be likely to deceive shall not be displayed on any ship not having a licensed pilot or a master or mate holding a certificate on board, and if on any such ship or boat the same is displayed, the owner or master of that vessel shall be liable, in case of the display of a flag likely to deceive he had no intention to deceive, be liable for each offence to a fine not exceeding 50*l*.

615.—(1.) Her Majesty may by Order in Council direct the signals to be used or displayed where the services of pilots are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2.) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3.) If a master of a vessel uses or displays, or causes any person under his authority to use or display, any signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use or displays any other signal for a pilot, he shall for each offence be liable to a fine not exceeding 20*l*.

Trinity House.

616. The Trinity House may, in the exercise of the powers given to pilotage authorities under this Part of the Act, alter such of the provisions hereinafter contained in this Act as are expressed to be subject to alteration in the same manner and to the same extent as they might be altered if these provisions had been contained in an Act of Parliament instead of this Act.

Sub-Commissioners (Trinity House).

617.—(1.) The Trinity House shall continue to employ Commissioners (not being more than five nor fewer than three) for the examination of pilots in all districts in which the same have before the commencement of this Act been used for the purpose of appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like Sub-Commissioners for any district in which no particular provision is made by this Act or by any Act of Parliament or charter for the appointment of pilots.

(2.) A pilotage district which is at the commencement of this Act under the authority of any Sub-Commissioners appointed by the Trinity House shall not be extended, except with the consent of Her Majesty in Council, and Sub-Commissioners appointed by the Trinity House shall not be deemed to be pilotage authorities within the meaning of this Act.

Licensing of Pilots by Trinity House.

618.—(1.) The Trinity House shall continue, after due examination by them or their Sub-Commissioners, to appoint and licence, under their common seal, pilots for the purpose of conducting ships within the following limits or in any area within those limits, namely:—

(i.) The London district, consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Orfordness to the north, and Dungeness to the south.

(ii.) The English Channel district, consisting of the seas between Dungeness and the Isle of Wight.

(iii.) The Trinity House outport districts, comprising any pilotage district for the appointment of pilots within which no particular provision is made by any Act of Parliament or charter.

(2.) The Trinity House shall not license a pilot to conduct ships both above and below Gravesend.

619. Subject to any alteration to be made by the Trinity House, the following provisions shall apply to the licensing of pilots by them:—

(i.) The names of all pilots licensed by the Trinity House shall be published by them—

(a.) By fixing at their house in London a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act; and

(b.) By transmitting copies of that notice to the Commissioners of Customs in London, and to the Chief Officers of Customs at all ports or places within the limits for which the pilot is licensed; and those copies shall be posted up at the Custom-house in London, and at the Custom-house at those ports or places.

(ii.) Every Trinity House pilot shall, on his appointment, execute a bond for 100*l.*, conditioned for the due observance on his part of the regulations and bye-laws of the Trinity House, and that bond shall be free from stamp duty, and from every other charge except the actual expense of preparing the same.

(iii.) A licence granted to a pilot by the Trinity House shall not

continue in force beyond the 31st day of January next date of that licence; but the licence may, upon the pilot holding the same, be renewed on or before 1st January in every year, or on any subsequent day, by the hand of the Secretary of the Trinity House, or any person as may be appointed by them for that purpose.

620. A qualified pilot appointed by the Trinity House who executed a bond under this Part of this Act shall not be liable for neglect or want of skill beyond the penalty of the bond, the amount payable to him on account of pilotage in respect of any voyage in which he was engaged when he became so liable.

621. The Trinity House may revoke or suspend the appointment of any pilot appointed by them, in such manner, and at such time as they think fit.

Compulsory Pilotage (Trinity House).

622.—(1.) Subject to any alterations to be made by the Trinity House, and to the exemptions under this Part of this Act, pilotage shall be compulsory within the London district and the Trinity House outport districts.

(2.) If a master of a ship navigating within those districts where a qualified pilot has offered to take charge of the ship, without a signal for the purpose, either himself pilots the ship, or employs a person possessing a pilotage certificate, or employs, or continues to employ, an unqualified person to pilot her, he shall for every such offence be liable, in addition to any other penalty under this Part of this Act, to a fine not exceeding 5*l.* for every 50 tons burden of the ship. The Trinity House may certify in writing, under their common seal, that the prosecutor may proceed for the same.

623. Subject to any alteration to be made by the Trinity House, a sufficient number of qualified pilots shall always be on duty to take charge of ships coming from the westward past Dungeness, and the Trinity House shall, by bye-law made under this Act, make such regulations with respect to the pilotage of ships, and the control as may be necessary in order to provide for an adequate supply of qualified pilots for those ships, and to insure the attendance upon, and due performance of, their duty on board of ships, and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals, or by any other purpose, or by both of those means, or by any other means, and whether in rotation or otherwise, as the Trinity House may think fit.

624.—(1.) Subject to any alteration to be made by the Trinity House, a master of any ship coming from the westward, or to any place in the River Thames or Medway (un-

qualified pilot on board, or is exempted from compulsory pilotage), shall, on the arrival of the ship off Dungeness, and thenceforth until she has passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or until a qualified pilot has come on board, display and keep displayed the usual signal for a pilot.

(2.) If a qualified pilot is within hail, or is approaching, and within half a mile, and has a pilot flag flying in his boat, the master shall, by heaving to in proper time or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate the pilot getting on board, and shall give the charge of piloting his ship to that pilot; or if there are two or more qualified pilots offering at the same time, to such one of them as may, according to the regulations for the time being in force, be entitled or required to take charge of the ship.

(3.) If a master fails to comply with the provisions of this section, or any of them, he shall for each offence be liable to a fine not exceeding double the sum which might have been demanded for the pilotage of his ship, and the fine shall be paid to the Trinity House, and be carried to the account of the Trinity House Pilot Fund.

625. The following ships, when not carrying passengers, shall, without prejudice to any general exemption under this Part of this Act, be exempted from compulsory pilotage in the London district, and in the Trinity House outport districts, that is to say:—

(1.) Ships employed in the coasting trade of the United Kingdom;

(2.) Ships of not more than 60 tons burden;

(3.) Ships trading from any port in Great Britain within the London district or any of the Trinity House outport districts to the port of Brest in France, or any port in Europe north and east of Brest, or to the Channel Islands or Isle of Man;

(4.) Ships trading from the port of Brest, or any port in Europe north and east of Brest, or from the Channel Islands or Isle of Man to any port in Great Britain within the said London or Trinity House outport district;

(5.) Ships navigating within the limits of the port to which they belong.

Rates of Pilotage (Trinity House).

626.—(1.) Subject to any alteration to be made by the Trinity House there shall continue to be paid to all Trinity House pilots, in respect of their pilotage services, such dues as are immediately
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before the commencement of this Act payable to the of those services.

(2.) The Trinity House may by bye-law made under this Act repeal or relax, as to the whole or any part of the provisions of this Part of this Act restricting the receiving, offering to pay, or payment of any pilotage than those which may be demanded by law so far as pilot or class of pilots under their authority to demand and any master to offer or pay, any rate less than the rate demanded by law.

627.—(1.) Subject to any alteration to be made by House, and notwithstanding anything before contained of this Act, there shall be paid in respect of all trading to and from the port of London, and not except pilotage—

(a.) As to ships inwards, the full amount of pilotage distance piloted; and

(b.) As to ships outwards, the full amount of distance required by law.

(2.) Payment of those pilotage dues shall be made by the Officer of Customs in the port of London by the master or person having the charge of the ship, or by the consignee thereof who have paid or made themselves liable to pay the charge for the ship in the port of London.

(3.) Pilotage dues under this section may be recovered in the same manner as other pilotage dues are recoverable under of this Act.

628.—(1.) Subject to any alteration to be made by House, the Chief Officer of Customs shall, on receiving dues in respect of foreign ships, give to the person paying a receipt in writing; and in the port of London the ship detained until the receipt is produced to the proper officer at that port.

(2.) Subject to any alteration to be made by the Trinity House, the Chief Officer of Customs shall pay over to the Trinity House the pilotage dues received by him in respect of any foreign ship; and the Trinity House shall apply the same—

(a.) In the first place, in paying to any pilot who has given sufficient proof of his having had the charge of the ship, the dues as would have been payable to him for the pilotage if the ship had been a British ship, after deducting the pilotage poundage due to the Trinity House; and

(b.) In the second place, in paying to any unlicensed pilot who may bring sufficient proof of his having, in the port of London, had the charge of the ship, such amount as would have been payable to him for the pilotage if the ship had been a British ship, after deducting the pilotage poundage due to the Trinity House; and

Trinity House may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage; and

(c.) Lastly, in paying over to the Trinity House Pilot Fund the residue, together with all poundage deducted as aforesaid.

629.—(1.) Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made in the case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and, in the case of a ship outward bound, before she quits her moorings, appoint some proper officer to measure the ship, and settle the difference accordingly.

(2.) There shall be paid to the officer who measures the ship, by the party against whom he decides, 1*l.* 1*s.* if the ship be below, and 10*s.* 6*d.* if the ship be above, the entrance of the London Docks at Wapping.

Pilot Fund (Trinity House).

630.—(1.) Subject to any alteration to be made by the Trinity House, there shall continue to be paid to the Trinity House, and carried over to the Trinity House Pilot Fund—

(a.) A poundage of 6*d.* in the £ upon the pilotage earnings of all pilots licensed by the Trinity House;

(b.) A sum of 3*l.* 3*s.* to be paid on the 1st day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of Sub-Commissioners, or in any part of that district.

(2.) If a qualified pilot gives a false account of his earnings, or makes default in paying any sum due from him under this section, he shall for each offence be liable to a fine equal to double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

631. Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be chargeable in the first place with the payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage; and after payment thereof shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the 1st day of October, 1853, who are incapacitated for the performance of their duty by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of those incapacitated pilots only.

632.—(1.) The Corporations of the Trinity House of Kingston-upon-Hull and Newcastle shall appoint Commissioners (not being more than seven nor fewer than three) to examine and certify the fitness of pilots for the examination of pilots in all districts in which they have commenced this Act, been used to make such a certificate, and may, with the consent of Her Majesty in Council, otherwise, appoint like Sub-Commissioners for any district situate within their jurisdiction.

(2.) A pilotage district which is at the commencement of this Act under the authority of any Sub-Commissioners shall not be extended, and no new district shall be created, without the consent of Her Majesty in Council.

(3.) Sub-Commissioners appointed or to be appointed under this section shall not be deemed to be pilotage authorities for the meaning of this Act, nor shall anything in this Act confer upon the Commissioners for regulating the pilotage of Kingston-upon-Hull and of the River Humber a jurisdiction of a different nature or character from that which was exercised before the commencement of this Act.

Saving for Liability of Owners and Masters.

633. An owner or master of a ship shall not be liable to any person whatever for any loss or damage occasioned by the death or incapacity of any qualified pilot acting in charge of the ship within any district where the employment of a qualified pilot is compulsory by law.

PART XI.—LIGHTHOUSES.

General Management.

634.—(1.) Subject to the provisions of this Part and subject also to any powers or rights now lawfully exercised by any person or body of persons having jurisdiction or usage authority over local lighthouses, buoys, or beacons, the Act referred to as “local lighthouse authorities”), the direction and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies, namely—

(a.) Throughout England and Wales, and the Channel and the adjacent seas and Islands, and at Gibraltar, in the Trinity House;

(b.) Throughout Scotland and the adjacent seas and

the Isle of Man, in the Commissioners of Northern Lighthouses ;
and

(c.) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights ;

And those bodies are in this Act referred to as the general lighthouse authorities and those areas as lighthouse areas.

(2.) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

635. The general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade all such returns, explanations, or information, in relation to the lighthouses, buoys, or beacons within their respective areas, and the management thereof, as the Board require.

636.—(1.) The Board of Trade may, on complaint that any lighthouse, buoy, or beacon under the management of any of the general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or is unnecessary, authorize any persons appointed by them to inspect the same.

(2.) A person so authorized may inspect the same accordingly, and make any inquiries in respect thereof, and of the management thereof, which he thinks fit ; and all officers and others having the care of any such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish any information and explanations in relation thereto which the person inspecting requires.

637. The Trinity House, and any of their engineers, workmen, and servants, may at all times enter any lighthouse within any of the lighthouse areas for the purpose of viewing their condition or otherwise for the purposes of this Act.

Construction of Lighthouses, &c.

638. A general lighthouse authority shall, within their area, but subject, in the case of the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the restrictions enacted in this Part of this Act, have the following powers (in this Act referred to as lighthouse powers), namely, powers—

(a.) To erect or place any lighthouse, with all requisite works, roads, and appurtenances ;

(b.) To add to, alter, or remove any lighthouse ;

(c.) To erect or place any buoy or beacon, or alter or remove any buoy or beacon ;

(d.) To vary the character of any lighthouse or the mode of exhibiting lights therein.

639.—(1.) A general lighthouse authority may take and purchase any land which may be necessary for the exercise of their lighthouse powers, or for the maintenance of their works or for the residence of the light keepers, and for that purpose the Lands Clauses Acts shall be incorporated with this Act and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof.

(2.) A general lighthouse authority may sell any land belonging to them.

640.—(1.) When the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights propose to exercise any of their lighthouse powers, they shall submit a scheme to the Trinity House specifying the mode in which they propose to exercise the power, and their reasons for wishing to exercise the same, and they shall not exercise any such power until they have so submitted a scheme to the Trinity House and obtained the sanction of the Board of Trade in manner provided by this Act.

(2.) The Trinity House shall take into consideration any scheme so submitted to them, and shall make a report, stating their approval or rejection of the scheme with or without modification, and shall send a copy of the report to the Commissioners by whom the scheme is submitted.

(3.) For the purpose of obtaining the sanction of the Board of Trade to any scheme so submitted to the Trinity House, the Trinity House shall send a copy of the scheme and of their report thereon, and of any communications which have passed with reference thereto between them and the Commissioners by whom the scheme is submitted, to the Board of Trade, and that Board may give any directions they think fit with reference to the scheme, and may grant or withhold their sanction either wholly or subject to any conditions or modifications they think fit.

(4.) The Commissioners by whom a scheme is submitted may, before a decision on the scheme is given by the Board of Trade, forward either to that Board or to the Trinity House any suggestions or observations with respect to the scheme or the report of the Trinity House thereon, and the Board of Trade in giving any decision on the scheme shall consider those suggestions or observations.

(5.) The decision of the Board of Trade with reference to any scheme shall be communicated by that Board to the Trinity House and by the Trinity House to the Commissioners by whom the scheme is submitted, and those Commissioners shall act in conformity with the decision.

641.—(1.) The Trinity House may, with the sanction of the Board of Trade, direct the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights—

- (a.) To continue any lighthouse, buoy, or beacon ;
- (b.) To erect or place any lighthouse, buoy, or beacon, or add to, alter, or remove any existing lighthouse, buoy, or beacon ;
- (c.) To vary the character of any lighthouse or the mode of exhibiting lights therein ;

And the Commissioners shall be bound within a reasonable time to obey any directions so given and sanctioned.

(2.) For the purpose of obtaining the sanction of the Board of Trade to any direction under this section, the Trinity House shall make a written application to the Board of Trade showing fully the work which they propose to direct and their reasons for directing the same, and shall give notice in writing of the application to the Commissioners to whom they propose to give the direction at their principal office in Edinburgh or Dublin, as the case may be.

(3.) Before the Board of Trade decide on any such application an opportunity shall be given to the Commissioners to whom it is proposed to give the direction for making any representation which they may think fit to make with regard to the application to the Board of Trade or the Trinity House.

642. Where any improved light, or any siren or any description of fog-signal, has been added to an existing lighthouse, the light, siren or signal may, for the purposes of this Part of this Act, be treated as if it were a separate lighthouse.

Light Dues.

643. Subject to any alterations to be made under the powers contained in this Part of this Act, a general lighthouse authority shall, in respect of any lighthouses, buoys, or beacons which at the commencement of this Act are under their management, continue to levy dues (in this Act called light dues), subject to the same limitations as to the amount thereof as are in force at the commencement of this Act; and those light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

644. On the completion of any lighthouse, buoy, or beacon, Her Majesty may, by Order in Council, fix dues to be paid in respect thereof in the case of any ship which passes the same, or derives benefit therefrom, and the dues so fixed shall, for the purposes of this Act, be deemed to be light dues.

645.—(1.) Her Majesty may, by Order in Council, or reduce any light dues payable in respect of any light or beacon for the time being under the management of a lighthouse authority.

(2.) Provided that the light dues payable in respect of any light house, buoy, or beacon which was existing on the 1st January 1855, shall not be made to exceed the amount which was payable previous to that date was received in respect thereof, and that they might have been raised during any part of that period.

646.—(1.) A general lighthouse authority may, with the sanction of Her Majesty given by Order in Council—

(a.) Exempt any ships or any classes of ships from the payment of light dues receivable by that authority, and annex such conditions to those exemptions;

(b.) Alter the times, places, and modes at and in which light dues receivable by the authority are payable; and

(c.) Substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the dues payable to that authority for the time being.

(2.) Nothing in this Act shall affect the provisions of the Shipping Dues Exemption Act, 1867,* or any Act in that behalf made.

647. Tables of all light dues, and a copy of the Rules and Regulations for the time being in force in respect thereof, shall be provided for each of the custom-houses in the United Kingdom, and for that purpose the general lighthouse authorities shall furnish copies of their respective Tables and Regulations to the Commissioners of Customs and to the Chief Officer of Customs resident at all places at which light dues are collected on account of that lighthouse authority; and those copies shall be posted up by the Commissioners of Customs at the Custom House in London, and by the Chief Officer of Customs at the custom-houses of the places at which they are respectively resident.

648.—(1.) All light dues coming into the hands of a general lighthouse authority under this Act shall be carried to the credit of the Marine Fund.

(2.) Every person appointed to collect light dues on behalf of a general lighthouse authority shall collect all light dues payable at the port at which he is so appointed, whether they are payable on account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.

(3.) Any person so appointed to collect light dues on behalf of a general lighthouse authority by whom he was appointed, as that authority directs, the whole amount of light

* 30 & 31 Vict., c. 15.

by him; and the authority receiving the dues shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster-General in such manner as the Board of Trade direct.

649.—(1.) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable, namely—

(a.) The owner or master; or

(b.) Such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge;

And those dues may be recovered in the same manner as fines of a like amount under this Act.

(2.) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

650.—(1.) If the owner or master of any ship fails, on demand of the authorized collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, guns, tackle, or any thing belonging to, or on board, the ship, and detain that distress until the light dues are paid.

(2.) If payment of the light dues is not made within the period of three days next ensuing the distress, the collector may, at any time during the continuance of the non-payment, cause the distress to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

651. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and a ship may be detained at any port where light dues are payable in respect of any ship, until the receipt for the light dues is produced to the proper officer of Customs.

Local Lighthouses.

652.—(1.) It shall be the duty of each of the general lighthouse authorities, or of any persons authorized by that authority for the purpose, to inspect all lighthouses, buoys, and beacons situate within their area, but belonging to or under the management of any local

lighthouse authority, and to make such inquiries in and of the management thereof as they think fit.

(2.) All officers and others having the care of lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.

(3.) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such explanations, or information concerning the lighthouses, buoys, or beacons under their management and the management thereof, as the general lighthouse authority require.

(4.) The general lighthouse authority shall communicate to every local lighthouse authority the results of the inspection of lighthouses, buoys, and beacons, and shall also make good use of the results of their inspection of local lighthouses, buoys, or beacons to the Board of Trade; and those reports shall be laid before Parliament.

653.—(1.) A general lighthouse authority may, with the sanction of the Board of Trade, and after giving notice of their intention, direct a local lighthouse authority to erect, alter, or remove any lighthouse, buoy, or beacon, or to make any variation in the character of any lighthouse, buoy, or beacon, or in the mode of exhibiting light from any lighthouse, buoy, or beacon.

(2.) A local lighthouse authority shall not erect, alter, or remove any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy, or beacon, without the sanction of the general lighthouse authority.

(3.) If a local lighthouse authority having power to erect, alter, or remove any lighthouse, buoy, or beacon, at any time fails to do so, or fail to comply with the directions of a general lighthouse authority under this section with respect to any lighthouse, buoy, or beacon, Her Majesty may, on the recommendation of the general lighthouse authority, by Order in Council transfer any powers of the local lighthouse authority with respect to that lighthouse, buoy, or beacon, including the power to levy rates, to the general lighthouse authority.

(4.) On the making of any Order in Council under this section, the powers transferred shall be vested in the general lighthouse authority to whom they are transferred, and the lighthouse, buoy, or beacon in respect of which the Order is made, shall be subject to the same provisions as those to which a lighthouse, buoy, or beacon provided by that general lighthouse authority under this section.

this Act, and the light dues leviable under this Part of this Act, are subject.

(5.) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

654.—(1.) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse authority may, with the consent of the Board of Trade, accept or purchase the same.

(2.) The purchase money for any lighthouse, buoy, or beacon so sold to a general lighthouse authority shall be paid out of the Mercantile Marine Fund.

(3.) On the surrender or sale of a lighthouse, buoy, or beacon under this section to a general lighthouse authority,—

(a.) The lighthouse, buoy, or beacon surrendered or sold shall, together with its appurtenances, become vested in the general lighthouse authority, and shall be subject to the same provisions as if it had been provided by that authority under this Part of this Act; and

(b.) The general lighthouse authority shall be entitled to receive either the dues which were leviable in respect of the lighthouse, buoy, or beacon surrendered or sold at the time of the surrender or sale, or, if Her Majesty so directs by Order in Council, such dues as may be fixed by Order in Council, and those dues shall be subject to the same provisions and regulations as light dues for a lighthouse completed by a general lighthouse authority under this Act.

655.—(1.) If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by a local lighthouse authority, Her Majesty may, on the application of that authority by Order in Council, fix such dues to be paid to that authority in respect of every ship which enters the port or harbour under the control of that authority or the estuary in which the lighthouse buoy or beacon is situate, and which passes the lighthouse, buoy, or beacon and derives benefit therefrom as Her Majesty may think reasonable.

(2.) Any dues fixed under this section (in this Act referred to as local light dues) shall be paid by the same persons and may be recovered in the same manner as light dues under this Part of this Act.

(3.) Her Majesty may by Order in Council reduce, alter, or increase any local light dues, so that those dues, so far as possible, may be sufficient and not more than sufficient for the payment of the expenses incurred by the local lighthouse authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

656.—(1.) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the dues are levied, and for no other purpose.

(2.) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipts and expenditure of those dues, and shall, once in every year or at such other time as the Board of Trade may determine, send a copy of that account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade requires.

657. A local lighthouse authority may, with the consent of Her Majesty in Council (if they have not otherwise power to do so), reduce all or any dues receivable by them in respect of lighthouses, buoys, and beacons.

Expenses of General Lighthouse Authorities.

658. The expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons under this Part of this Act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services, shall be paid out of the Mercantile Marine Fund.

659.—(1.) Her Majesty may by Order in Council fix the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, or the annual or other sums to be paid out of the Mercantile Marine Fund in respect of those establishments.

(2.) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, Her Majesty may by Order in Council fix the portion of the expense of those establishments to be paid out of the Mercantile Marine Fund.

(3.) An increase of any establishment or part of an establishment fixed under this section shall not be made without the consent of the Board of Trade.

660.—(1.) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys, and beacons shall be paid out of the Mercantile Marine Fund, or allowed in account, unless either it has been allowed as part of the establishment expenses under this Act, or an estimate or account thereof has been approved by the Board of Trade.

(2.) For the purpose of approval by the Board of Trade, each of the general lighthouse authorities shall submit to that Board an estimate of all expenses to be incurred by them in respect of lighthouses, buoys, or beacons, other than expenses allowed under this Act on account of their establishments, or, in case it is necessary in providing for any sudden emergency to incur any such expense without waiting for the sanction of an estimate, shall as soon as possible submit to the Board of Trade a full account of the expense incurred.

(3.) The Board of Trade shall consider any estimates and accounts so submitted to them, and may approve them either with or without modification.

661.—(1.) For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with lighthouses, buoys, and beacons, the Treasury may, upon the application of the Board of Trade, advance out of the growing produce of the Consolidated Fund such sums, and upon such terms and at such rate of interest, as they think fit, and pay the same into the Mercantile Marine Fund, but the total amount due in respect of any such advances shall not at any one time exceed 200,000*l*.

(2.) Where the Treasury advance any sum under this section, that sum and the interest thereon shall be a charge upon the Mercantile Marine Fund, and upon any dues, rates, fees, or other payments payable thereto, and the Board of Trade shall make such provision for the repayment thereof out of that fund either by way of sinking fund or otherwise as the Treasury require.

(3.) A charge under this section for the purpose of an advance by the Treasury shall not prevent the reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund, if the reduction is sanctioned by the Treasury.

662.—(1.) The Board of Trade may mortgage the Mercantile Marine Fund and any dues, rates, fees, or other payments payable thereto, or any part thereof, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the services of lighthouses, buoys, and beacons.

(2.) Any mortgage under this section shall be made in such form and executed in such manner as the Board of Trade may direct.

(3.) A person lending money on a mortgage under this section shall not be bound to inquire as to the purpose for which the money is raised or the manner in which it is applied.

663.—(1.) The Public Works Loan Commissioners may, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the service of lighthouses, buoys, and beacons, advance money upon mortgage of the Mercantile Marine Fund, and the several dues, rates, fees, and payments to be

carried thereto under this Act, or any of them, or any part thereof, without requiring any further security than that mortgage.

(2.) Notwithstanding anything in this Act, every mortgage made to the Public Works Loan Commissioners shall be made in accordance with the Acts regulating loans by the Public Works Loan Commissioners.

(3.) An advance by the Public Works Loan Commissioners shall not prevent any lawful reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund if that reduction is assented to by the Public Works Loan Commissioners.

664. Each of the general lighthouse authorities shall account to the Board of Trade for their receipts from light dues and for their expenditure in respect of expenses paid out of the Mercantile Marine Fund, in such form, and at such times, and with such details, explanations, and vouchers, as the Board of Trade require, and shall, when required by that Board, permit all books and accounts kept by or under their respective direction to be inspected and examined by such persons as that Board appoint for that purpose.

665.—(1.) A general lighthouse authority may, with the sanction of the Board of Trade, grant superannuation allowances or compensation to persons whose salaries are paid out of the Mercantile Marine Fund on their discharge or retirement.

(2.) No superannuation allowance or compensation granted under this section to a person shall exceed the proportion of his salary which may be granted to a person in the public civil service under the Acts relating to superannuation allowances or compensation at the time being in force.

Offences in connection with Lighthouses, &c.

666.—(1.) A person shall not wilfully or negligently—

(a.) Injure any lighthouse or the lights exhibited therein, or a buoy or beacon;

(b.) Remove, alter, or destroy any light-ship, buoy, or beacon;

(c.) Ride by, make fast to, or run foul of any light-ship or buoy.

(2.) If any person acts in contravention of this section, he shall, in addition to the expenses of making good any damages so occasioned, be liable for each offence to a fine not exceeding 50*l.*

667.—(1.) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situated may serve a notice on the owner of the place where the fire or light is burnt or exhibited

or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light, and for preventing for the future any similar fire or light.

(2.) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the fire or light to which the notice relates.

(3.) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities he may incur, shall for each offence be liable to a fine not exceeding 100*l*.

(4.) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the fire or light mentioned in the notice, the general lighthouse authority may, by their servants or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage; and may recover the expenses incurred by them in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

Commissioners of Northern Lighthouses.

668.—(1.) The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses, that is to say:—

- (a.) The Lord Advocate and the Solicitor-General for Scotland;
- (b.) The Lords Provost of Edinburgh, Glasgow, and Aberdeen, and the Provosts of Inverness and Campbeltown;
- (c.) The eldest Bailies of Edinburgh and Glasgow;
- (d.) The Sheriffs of the Counties of the Lothians and Peebles, Lanark, Renfrew and Bute, Argyll, Inverness, Elgin and Nairn, Ross, Cromarty and Sutherland, Caithness Orkney and Shetland, Aberdeen, Kincardine and Banff, Ayr, Fife and Kinross, Dumfries and Galloway; and

(e.) Any persons elected under this section.

(2.) The Commissioners shall have a common seal; and any five of them shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body.

(3.) The Commissioners may elect the Provost or Chief Magistrate of any Royal or Parliamentary burgh on or near any part of

the coasts of Scotland and the Sheriff of any county those coasts to be a member of their body.

Provision as to Channel Islands.

669.—(1.) The powers of the Trinity House under this Act with respect to lighthouses, buoys, or beacons erected or placed, or hereafter to be erected or placed in or near the Islands of Guernsey or Jersey (other than their powers with respect to the surrender or purchase of local lighthouses, buoys, and beacons, or the prevention of false lights), shall not be exercised without the consent of Her Majesty in Council.

(2.) Dues for any lighthouse, buoy, or beacon erected in or near the Islands of Guernsey, Jersey, Sark, or other Islands, shall not be taken in the Islands of Guernsey or Jersey without the consent of the States of those islands respectively.

Lighthouses, &c., in Colonies.

670.—(1.) Where any lighthouse, buoy, or beacon has been erected before or after the passing of this Act, been erected in or near the coasts of any British possession by or with the sanction of the Legislature of that possession, Her Majesty may, by Order in Council, fix such dues (in this Act referred to as "light dues") to be paid in respect of that lighthouse, buoy, or beacon, and the owner or master of every ship which passes the same shall be liable to pay the same, and the same shall be a benefit therefrom, as Her Majesty may deem reasonable. Her Majesty may, by Order, increase, diminish, or repeal such dues, and may, from the time mentioned in the Order, be levied in any British possession, and in Her Majesty's dominions.

(2.) Colonial light dues shall not be levied in any British possession unless the Legislature of that possession has, by Order in Council, or by Act or Ordinance duly passed, signified its assent that the dues ought to be levied.

671.—(1.) Colonial light dues shall in the United Kingdom be collected and recovered so far as possible as light dues are collected and recovered under this Part of this Act.

(2.) Colonial light dues shall in each British possession be collected by such persons as the Governor of that possession may appoint for the purpose, and shall be collected by the same persons in the same manner, and subject to the same conditions, as light dues are collected in the United Kingdom, in so far as the circumstances permit, as light dues under this Part of this Act, and in such other manner, and subject to such other conditions as the Legislature of the possession direct.

672. Colonial light dues levied under this Act shall be paid over to Her Majesty's Paymaster-General at such times and in such manner as the Board of Trade direct, and shall be applied, paid, and dealt with by him for the purposes authorized by this Act, in such manner as that Board direct.

673. Colonial light dues shall, after deducting the expenses of collection, be applied in payment of the expenses incurred in erecting and maintaining the lighthouse, buoy, or beacon in respect of which they are levied, and for no other purpose.

674.—(1.) The Board of Trade may raise such sums as they think fit for the purpose of constructing or repairing any lighthouse, buoy, or beacon in respect of which colonial light dues are levied or are to be levied on the security of those dues so levied or to be levied.

(2.) Any sums so to be raised may be advanced by the Treasury out of moneys provided by Parliament, or by the Public Works Loan Commissioners, or by any other persons; but any such advances shall be made and secured in the same manner and subject to the same provisions as similar advances for the purpose of lighthouses in the United Kingdom under this Part of this Act.

675.—(1.) Accounts shall be kept of all colonial light dues received under this Act and of all sums expended in the construction, repair, or maintenance of the lighthouse, buoy, or beacon in respect of which those dues are received.

(2.) These accounts shall be kept in such manner as the Board of Trade direct, and shall be laid annually before Parliament, and audited in such manner as may be directed by Order in Council.

PART XII.—MERCANTILE MARINE FUND.

676.—(1.) The common fund called the Mercantile Marine Fund shall continue to exist under that name, and subject to the provisions of this Act there shall be accounted for and paid to that fund—

(a.) All fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act;

(b.) All fees and other sums (other than fines and forfeitures) received by the Board of Trade under the Second and Fifth Parts of this Act, including all fees payable in respect of the medical inspection of seamen under the Second Part of this Act;

(c.) The moneys arising from the unclaimed property of deceased seamen, except where the same are required to be paid as directed by the Accountant-General of Her Majesty's Navy;

(d.) Any sums recovered by the Board of Trade in respect of

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expenses incurred in relation to distressed seamen and under the Second Part of this Act;

(e.) All fees and other sums payable in respect of performed by any person employed under the authority of this Part of this Act;

(f.) All fees paid upon the engagement or discharge of the crews of fishing-boats when effected before a Surveyor;

(g.) Such proceeds of the sale of unclaimed wreck as are to be paid thereto during the lifetime of Her present Majesty; the Ninth Part of this Act;

(h.) Any fees received by receivers of wreck under the Ninth Part of this Act;

(i.) All light dues or other sums received by or for the benefit of the general lighthouse authorities under the Eleventh Part of this Act;

(k.) All costs and expenses ordered by the Court of Admiralty or the Board of Trade in pursuance of the Boiler Explosion Act, 1880 and 1890;†

(l.) Any sums which under this or any other Act are payable to be paid to the Mercantile Marine Fund.

(2.) All fees mentioned in this section shall be paid in such manner as the Board of Trade direct.

677. Subject to the provisions of this Act and to any charges that may be subsisting on the Mercantile Marine Fund under any Act of Parliament or otherwise, there shall be paid out of that fund the following expenses and charges are not paid by any private person :—

(a.) The salaries and other expenses connected with the duties of the Boards and mercantile marine offices, and with the duties conducted under the Second and Fourth Parts of this Act;

(b.) The salaries of all surveyors of ships and officers of the Surveyors under this Act and all expenses incurred in connection with the survey and measurement of ships under this Act, and the salaries of medical inspectors of seamen under the Second Part of this Act;

(c.) The salaries and expenses of persons employed under the Third Part of this Act;

(d.) The superannuation allowances, gratuities, and other allowances granted either before or after the passing of this Act to any of the said surveyors, officers, or persons;

(e.) The allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses incurred under this Act to be payable as such expenses, and any other expenses incurred by seamen's refuges and hospitals;

* 45 & 46 Vict., c. 22.

† 53 & 54 Vict.

(j.) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the property of deceased seamen, or on account of the proceeds of wreck ;

(g.) All expenses of obtaining depositions, reports, and returns respecting wrecks and casualties ;

(h.) All expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act ;

(i.) All expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services ;

(k.) Any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lastage and ballastage in the River Thames ;

(l.) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper life-boats with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases as the Board of Trade direct ;

(m.) Such reasonable costs, as the Board of Trade may allow, of advertising or otherwise making known the establishment of, or alterations in, foreign lighthouses, buoys, and beacons to owners and masters of, and other persons interested in, British ships ;

(n.) All costs and expenses incurred by the Board of Trade under "The Boiler Explosions Acts, 1882 and 1890" (so far as not otherwise provided for), including any remuneration paid in pursuance of section 7 of "The Boiler Explosions Act, 1882," and any costs and expenses ordered by the Court in pursuance of those Acts to be paid by the Board of Trade ;

(o.) Any expenses which are charged on or payable out of the Mercantile Marine Fund under this or any other Act of Parliament.

678. There shall be paid to the Mercantile Marine Fund out of moneys provided by Parliament such sum in each year as may be determined by the Treasury, with the concurrence of the Board of Trade, having regard to the receipts and expenditure of the Mercantile Marine Fund under this Act.

679.—(1.) The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section 33 of "The Exchequer and Audit Departments Act, 1866,"* and shall be examined and audited accordingly.

* 29 & 30 Vict., c. 39.

(2.) The Board of Trade shall as soon as may meeting of Parliament in every year cause the acc Mercantile Marine Fund for the preceding year to both Houses of Parliament.

PART XIII.—LEGAL PROCEEDINGS.

Prosecution of Offences.

680.—(1.) Subject to any special provisions of to the provisions hereinafter contained with respect to

(a.) An offence under this Act declared to be a shall be punishable by fine or by imprisonment not years, with or without hard labour, but may, inst prosecuted as a misdemeanour, be prosecuted summar provided by the Summary Jurisdiction Acts, and if shall be punishable only with imprisonment for a term six months, with or without hard labour, or with a fine 100*l.* ;

(b.) An offence under this Act made punishable v ment for any term not exceeding six months, with or labour, or by a fine not exceeding 100*l.*, shall be pr marily in manner provided by the Summary Jurisdiction

(2.) Any offence committed or fine recoverable un made in pursuance of this Act may be prosecuted o the same manner as an offence or fine under this Act.

681.—(1.) The Summary Jurisdiction Acts sh applicable, apply—

(a.) To any proceeding under this Act before a Cour Jurisdiction, whether connected with an offence punis mary conviction or not; and

(b.) To the trial of any case before one Justice where, under this Act, such a Justice may try the case

(2.) Where under this Act any sum may be reco under this Act, that sum, if recoverable before a Cour Jurisdiction, shall, in England, be recovered as a civil d provided by the Summary Jurisdiction Acts.

682. Where a person is convicted summarily in offence under this Act, and the fine inflicted or the to be paid exceeds 5*l.* in amount, that person may app Sessions against the conviction in manner provided by Jurisdiction Acts.

683.—(1.) Subject to any special provisions of th a conviction for an offence nor an order for payment o be made under this Act in any summary proceed in the United Kingdom, unless that proceeding

within six months after the commission of the offence or after the cause of complaint arises as the case may be ; or, if both or either of the parties to the proceeding happen during that time to be out of the United Kingdom, unless the same is commenced, in the case of a summary conviction within two months, and in the case of a summary order within six months, after they both first happen to arrive, or to be at one time, within the United Kingdom.

(2.) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be ; or if both or either of the parties to the proceeding happen during that time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced in the case of a summary conviction within two months, and in the case of a summary order within six months after they both first happen to arrive, or to be at one time, within that jurisdiction.

(3.) No law for the time being in force under any Act, Ordinance, or otherwise, which limits the time within which summary proceedings may be instituted, shall affect any summary proceeding under this Act.

(4.) Nothing in this section shall affect any proceeding to which "The Public Authorities Protection Act, 1893,"* applies.

Jurisdiction.

684. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

685.—(1.) Where any district within which any Court, Justice of the Peace, or other Magistrate has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such Court, Justice, or Magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the Court, Justice, or Magistrate.

* 56 & 57 Vict., c. 61.

(2.) The jurisdiction under this section shall be and not in derogation of any jurisdiction or power of the Summary Jurisdiction Acts.

686.—(1.) Where any person, being a British subject, having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is not within the jurisdiction of any Court in Her Majesty's dominions, the Court would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that Court shall have jurisdiction to try the offence as if it had been so committed.

(2.) Nothing in this section shall affect "The Admiralty (Colonial) Act, 1849."*

687. All offences against property or person committed on board any place, either ashore or afloat, out of Her Majesty's dominions, by any master, seaman, or apprentice who at the time the offence is committed is, or within three months previous to the time he is employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishment respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same Court as if committed in the same places as if those offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence shall be to be paid as in the case of costs and expenses of prosecutions of offences committed within the jurisdiction of the Admiralty of England.

Damage occasioned by Foreign Ship.

688.—(1.) Whenever any injury has in any part of Her Majesty's dominions been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time after that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a Judge of the High Court of Record in the United Kingdom (and in Scotland the Lord of Session and also the Sheriff of the county within which the ship may be) may, upon its being shown to him that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of Customs, or to any other officer named by the Judge, Court, or Sheriff, requiring him

* 12 & 13 Vict., c. 96. See "Hertslet's Treaties," Vol. 11.

ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the Judge, Court, or Sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

(2.) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3.) In any legal proceeding in relation to any such inquiry aforesaid, the person giving security shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the Judge, Court, or Sheriff made in relation to the security shall be conclusive evidence of the liability of the defendant or defender to the proceeding.

Provisions in case of Offences abroad.

689.—(1.) Whenever any complaint is made to any British Consular officer—

(a.) That any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, seaman, or apprentice, who at the time when the offence was committed, or within three months before that time, was employed in any British ship; or

(b.) That any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any British ship;

That Consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint, and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a Court capable of taking cognizance of the offence, in any ship belonging to Her Majesty or to any of her subjects, to be there proceeded against according to law.

(2.) The Consular officer may order the master of any ship belonging to any subject of Her Majesty bound to the United

Kingdom or to such British possession as aforesaid afford a passage and subsistence during the voyage of the offender as aforesaid, and to the witnesses, so that no more than one offender for each ship shall be required to receive more than one offender for each ship's registered tonnage, or more than one witness for each 50 tons of that tonnage; and the Consular officer shall, with the agreement of the ship such particulars with the offenders or witnesses sent in her as the Board of Trade may direct.

(3.) Any master of a ship to whose charge an offender so committed shall, on his ship's arrival in the United Kingdom in such British possession as aforesaid, give the offender into the custody of some police officer or constable, and the police officer or constable shall take the offender before a Justice of the Peace or other Magistrate by law empowered to deal with offenders on the high seas. The Justice or Magistrate shall deal with the matter as if the offence committed upon the high seas.

(4.) If any master of a ship, when required by a Consular officer to receive and afford a passage and subsistence to an offender or witness, does not receive him and afford him subsistence to him, or does not deliver any offender or witness in his charge into the custody of some police officer or constable as hereinbefore directed, he shall for each offence be liable to a fine not exceeding 50*l*.

(5.) The expenses of imprisoning any such offender or witness, and of conveying him and the witnesses to the United Kingdom, and of his detention in such British possession as aforesaid in any manner other than in a ship to which they respectively belong shall, where the offender or witness is a British subject, be paid out of money provided by Parliament.

690.—(1.) Where a case of death happens on board a British ship, the Superintendent at the port of arrival of the ship is discharged shall, on the arrival of the ship at the port, inquire into the cause of the death, and shall cause to be entered in the official log an endorsement to the effect, either that the cause of death in the log is in his opinion true, or that it is not, according to the result of the inquiry.

(2.) A Superintendent shall for the purpose of carrying into effect the provisions of this section have the powers of a Board of Trade under this Act; and if in the course of any such inquiry the Superintendent shall find that any such death has been caused by violence or other improper means, he shall refer the matter to the Board of Trade, or, if the emergency requires, shall take immediate steps for bringing the offenders to justice.

(3.) This section shall not apply—

(a.) Except in Scotland, to fishing boats, nor

(b.) To ships registered in a British possession when those ships are within the jurisdiction of the government of that possession; nor

(c.) To pleasure yachts, or ships belonging to any of the three general lighthouse authorities.

691.—(1.) Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof, if the proceeding is instituted in the United Kingdom, that the witness cannot be found in that kingdom, or if in any British possession that he cannot be found in that possession, any deposition that the witness may have previously made on oath in relation to the same subject matter before any Justice or Magistrate in Her Majesty's dominions, or any British Consular officer elsewhere, shall be admissible in evidence, provided that—

(a.) If the deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom; and

(b.) If the deposition was made in any British possession, it shall not be admissible in any proceeding instituted in that British possession; and

(c.) If the proceeding is criminal it shall not be admissible, unless it was made in the presence of the person accused.

(2.) A deposition so made shall be authenticated by the signature of the Judge, Magistrate, or Consular officer before whom it is made; and the Judge, Magistrate, or Consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.

(3.) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

(4.) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or Ordinance of the Legislature of any Colony, so far as regards that Colony, or interfere with the power of any Colonial Legislature to make those depositions admissible in evidence, or to interfere with the practice of any Court in which depositions not authenticated as hereinbefore mentioned are admissible.

Detention of Ship and Distress on Ship

692.—(1.) Where under this Act a ship is detained, any commissioned officer on full pay in military service of Her Majesty, or any officer of the Navy, or any officer of the Customs, or any British Consul, may detain the ship, and if the ship after detention or the master of any notice of or order for detention before it is released by competent authority, the master and also the owner, and any person who sends the ship, that owner or person is party or privy to the offence, for each offence to a fine not exceeding 100*l*.

(2.) Where a ship so proceeding to sea takes on board thereof in the execution of his duty, any officer of the Customs, or any surveyor or officer of the Board of Customs, the owner and master of the ship, each be liable to pay all expenses of and incidents of the ship or surveyor being so taken to sea, and also to a fine of 100*l*, or, if the offence is not prosecuted in a summary proceeding, exceeding 10*l*. for every day until the officer or surveyor is released, until such time as would enable him after leaving the ship to the port from which he is taken, and the expenses so paid may be recovered in like manner as the fine.

(3.) Where under this Act a ship is to be detained by an officer of Customs shall, and where under this Act a ship may be detained by an officer of Customs may, refuse to clear that ship or grant a transire to that ship.

(4.) Where any provision of this Act provides that a ship is to be detained until any document is produced to the proper officer of Customs, the proper officer shall mean, unless the context requires, the officer able to grant a clearance or to release the ship.

693. Where any Court, Justice of the Peace, or other authority has power to make an order directing payment to be made to a seaman's wages, fines, or other sums of money, then, if the sum so directed to pay the same is the master or owner of the ship, and the same is not paid at the time and in manner prescribed by the order, the Court, Justice of the Peace, or Magistrate may, in addition to any other powers they may have, for the purpose of compelling payment, direct the amount so unpaid to be levied by distress or poinding and sale of the ship, her tackle, furniture, and apparel.

Evidence, Service of Documents, and Declarations.

694. Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them.

695.—(1.) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any Court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

(2.) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding 4*d.* for every folio of ninety words, but a person shall be entitled to have—

(a.) A certified copy of the particulars entered by the Registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being; and

(b.) A certified copy of any declaration, or document, a copy of which is made evidence by this Act;

On payment of 1*s.* for each copy.

(3.) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanour, and be liable on conviction to imprisonment for any term not exceeding eighteen months.

(4.) If any person forges the seal, stamp, or signature of any document to which this section applies, or tenders in evidence any such document with a false or counterfeit seal, stamp, or signature hereto, knowing the same to be false or counterfeit, he shall for each offence be guilty of felony, and be liable to penal servitude for term not exceeding seven years, or to imprisonment for a term not exceeding two years, with or without hard labour; and whenever any such document has been admitted in evidence, the Court or the

person who admitted the same may on request direct shall be impounded, and be kept in the custody of the Court or other proper person, for such period to such conditions as the Court or person thinks fit.

696.—(1.) Where for the purposes of this Act to be served on any person, that document may be served

(a.) In any case by delivering a copy thereof to the person to be served, or by leaving the same at his usual abode; and

(b.) If the document is to be served on the master of a ship where there is one, or on a person belonging to a ship, on the same for him on board that ship with the person appearing to be in command or charge of the ship; and

(c.) If the document is to be served on the master of a ship where there is no master, and the ship is in the United Kingdom the managing owner of the ship, or, if there is no managing owner on some agent of the owner residing in the United Kingdom where no such agent is known or can be found, by delivering thereof to the mast of the ship.

(2.) If any person obstructs the service on the master of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall be liable to a fine not exceeding 10*l.*, and, if the owner of the ship is party or privy to the obstruction, he shall be guilty of each offence be guilty of a misdemeanour.

697. Any exception, exemption, proviso, excuse or qualification, in relation to any offence under this Act, which does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be proved or negatived in any information or complaint, and, if not proved or negatived, no proof in relation to the matter so negatived shall be required on the part of the informant or complainant.

698. Any declaration required by this Act to be made before a Justice of the Peace or any particular officer may be made before a Commissioner for Oaths.

Application of Penalties and Costs of Prosecution

699.—(1.) Where any Court, Justice of the Peace or Magistrate imposes a fine under this Act for which no application is herein provided, that Court, Justice of the Peace or Magistrate may, if they think fit, direct the whole or any part of the fine to be applied in compensating any person for damage which he may have sustained by the act or default

of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings.

(2.) Subject to any directions under this section or to any specific application provided under this Act, all fines under this Act shall, notwithstanding anything in any other Act—

(a.) If recovered in the United Kingdom, be paid into the Exchequer in such manner as the Treasury may direct, and be carried to and form part of the Consolidated Fund; and

(b.) If recovered in any British possession, be paid over into the Public Treasury of that possession, and form part of the public revenue thereof.

700. Where an offence under this Act is prosecuted as a misdemeanour, the Court before whom the offence is prosecuted may in England make the same allowances and order payment of the same costs and expenses as if the offence were a felony, and in any other part of Her Majesty's dominions may make such allowances and order payment of such costs and expenses as are payable or allowable upon the trial of any misdemeanour or under any law for the time being in force therein.

701. Such costs and expenses of and incidental to any prosecution for a felony or misdemeanour as are by law payable out of any county or other local rate shall, where the felony or misdemeanour has been committed within the jurisdiction of the Admiralty of England, be paid in the same manner and subject to the same regulations as if the felony or misdemeanour had been committed in the county in which the same is heard and determined, or, where the same is heard and determined at the Central Criminal Court, as if the same had been committed in the County of London, and all sums properly paid out of any county or other local rate in respect of those costs and expenses shall be repaid out of money provided by Parliament.

Procedure in Scotland.

702. In Scotland every offence which by this Act is described as a felony or misdemeanour may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the Procurator Fiscal of the county before the Sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour, in default of payment, or with imprisonment, with or without hard labour, or with both, as the Court may think fit, or in the case of felony with penal servitude where the Court is competent thereto; and such Court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

703. In Scotland, all prosecutions, complaints, proceedings under this Act, other than prosecutions misdemeanours, may be brought in a summary Sheriff of the county, or before any two Justices of county or burgh where the cause of such prosecution arises, or where the offender or defender may be when of a criminal nature or for fines or penalties of the Procurator Fiscal of Court, or at the instance of the aggrieved, with concurrence of the Procurator Fiscal of the Court may, if it think fit, order payment by the defender of the costs of the prosecution or action.

704. Where in any summary proceedings under this Act in Scotland any complaint or action is brought in which the enforcement of a pecuniary debt or demand, the complaint contain a prayer for warrant to arrest upon the dependence.

705. On any summary proceedings in Scotland, the Sheriff Clerk or Clerk of the Peace shall cause to be arrested upon the dependence in common form, where a warrant has been prayed for in the complaint or other process, always, that where the apprehension of any party, upon whom a warrant, is authorized by this Act, such party may be committed to custody until he can be brought at the earliest opportunity before any two Justices or the Sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no other process shall in such case be necessary.

706. When it becomes necessary to execute such a warrant upon the dependence against goods or effects of the debtor in Scotland, but not locally situated within the jurisdiction of the Sheriff or Justices of the Peace by whom the warrant has been granted, it shall be competent to carry out the execution on its being indorsed by the Sheriff Clerk or Clerk of the Peace of the county or burgh respectively within which the goods are to be executed.

707. Where on any summary proceedings in Scotland a decree for payment of any sum of money against a debtor, the decree shall contain warrant for arrestment, poinding and sale in default of payment.

708. In all summary complaints and proceedings under this Act of any penalty or sum of money in Scotland, if a debtor who has been duly cited shall not appear at the time and place appointed for the citation, he shall be held as confessed, and sentence shall be pronounced against him in terms of the decree, and he shall be liable for such costs and expenses as to the Court shall seem just, and that he shall be entitled to obtain himself repaid of such costs and expenses at any time before the same be fully

lodging with the Clerk of Court a reponing note, and consigning in his hands the sum decerned for and the costs which had been awarded by the Court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the Clerk of Court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the Court, or on any day to which the Court shall then adjourn it.

709. No order, decree, or sentence pronounced by any Sheriff or Justice of the Peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the Sheriff or Justices, in which case the suspension or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

710. Nothing in this Act shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court in England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Prosecution of Offences in Colonies.

711. Any offence under this Act shall, in any British possession, be punishable by any Court or Magistrate by whom an offence of a like character is ordinarily punishable, or in such other manner as may be determined by any Act or Ordinance having the force of law in that possession.

Application of Part XIII.

712. This Part of this Act shall, except where otherwise provided, apply to the whole of Her Majesty's dominions.

PART XIV.—SUPPLEMENTAL

General Control of Board of Trade.

713. The Board of Trade shall be the Department for the general superintendence of all matters relating to shipping and seamen, and are authorized to carry into effect the provisions of this Act and of all Acts relating to shipping and seamen for the time being in force, or otherwise provided by those Acts, or except so far as may relate to the revenue.

714. All Consular officers and officers of Customs, and all Local Marine Boards and Superintendents, shall send to the Board of Trade such returns or reports as may be required relating to British merchant shipping or seamen as may be required.

715. All Superintendents shall, when required by the Board of Trade, produce to that Board or to its officers all documents and other documents which are delivered to them under this Act.

716.—(1.) All fees and other sums (other than fines) received by the Board of Trade under the Second, Fourth, and Fifth Acts of this Act shall be carried to the account of the Mercantile Marine Fund.

(2.) All fines coming into the hands of the Board of Trade under this Act shall be paid into the Exchequer as they are received, direct, and shall be carried to and form part of the Mercantile Marine Fund.

717. The Board of Trade may take any legal proceedings under this Act in the name of any of their officers.

Expenses of Commissioners of Customs.

718. All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the revenues of Customs, and shall be paid accordingly; but the Board of Trade may, with the sanction of the Treasury, repay out of the Mercantile Marine Fund such of the expenses so paid as are under this Act charged to that fund.

Documents and Forms.

719. All documents purporting to be made, issued, or under the direction of the Board of Trade, and to be sealed with the seal of the Board, or to be signed by their Secretary,

their Assistant Secretaries, or, if a certificate, by one of the officers of the Marine Department, shall be admissible in evidence in manner provided by this Act.

720.—(1.) Subject to any special provisions of this Act, the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the First Part of this Act, and may make such alterations in these forms as they think fit.

(2.) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.

(3.) The Board of Trade shall cause all such forms to be supplied at all custom-houses and mercantile marine offices in the United Kingdom free of charge, or at such moderate prices as the Board may fix, or the Board may license any persons to print and sell the forms.

(4.) Every such book, instrument, or paper required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

(5.) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

721. The following instruments shall be exempt from stamp duty :—

(a.) Any instruments used for carrying into effect the First Part of this Act; and

(b.) Any instruments used by or under the direction of the Board of Trade in carrying into effect the Second, Fifth, Eleventh, and Twelfth Parts of this Act; and

(c.) Any instruments which are by those Parts of this Act required to be in a form approved by the Board of Trade, if made in that form.

722.—(1.) If any person—

(a.) Forges, assists in forging, or procures to be forged, the seal or any other distinguishing mark of the Board of Trade on any form issued by the Board of Trade under this Act; or

(b.) Fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such form;

That person shall in respect of each offence be guilty of a misdemeanour.

(2.) If any person—

(a.) When a form approved by the Board is, under Part of this Act, required to be used, uses without a form not purporting to be a form so approved; or

(b.) Prints, sells, or uses any document purporting to be approved by the Board of Trade, knowing the said form approved for the time being, or not to have been issued by the Board of Trade;

That person shall for each offence be liable to a fine not exceeding 10*l*.

Powers for enforcing Compliance with Act

723.—(1.) Where any of the following officers,

Any officer of the Board of Trade;

Any commissioned officer of any of Her Majesty's ships, or any other person, is authorized to require any person to pay;

Any British Consular officer;

The Registrar-General of Shipping and Seamen;

Any Chief Officer of Customs in any place in the United Kingdom or any of Her Majesty's other dominions; or

Any Superintendent;

Has reason to suspect that the provisions of this Act for the time being in force relating to merchant shipping, is not complied with, that officer may—

(a.) Require the owner, master, or any of the crew of a British ship to produce any official log-books or documents relating to the crew or any member thereof in his possession or control;

(b.) Require any such master to produce a list of the names of the crew on board his ship, and take copies of the official log-book or any part thereof;

(c.) Muster the crew of any such ship; and

(d.) Summon the master to appear and give any explanation concerning the ship or her crew or the official log-books produced or required to be produced.

(2.) If any person, on being duly required by an officer authorized under this section, fails without reasonable cause to produce to any officer any such official log-book or document as he is required to produce under this section, or refuses to allow any such log-book to be inspected or copied, or impedes any muster of the crew under this section, or refuses or neglects to give any such explanation which he is required under this section to give, or knowingly gives or leads or deceives any officer authorized under this section to require any such explanation, that person shall for each offence be liable to a fine not exceeding 20*l*.

Surveyors of Ships.

724.—(1.) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a shipwright surveyor or as an engineer surveyor, or as both.

(2.) The Board of Trade may also appoint a surveyor-general of ships for the United Kingdom.

(3.) The Board of Trade may remove any surveyors of ships and fix and alter their remuneration, and may make regulations as to the performance of their duties, and in particular as to the manner in which surveys of passenger steamers are to be made, as to the notice to be given by them when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by them in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which the payment of those expenses is to be made.

(4.) If a surveyor of ships demands or receives directly or indirectly any fee, remuneration, or gratuity whatever in respect of any duties performed by him under this Act otherwise than by the direction of the Board of Trade, he shall for each offence be liable to a fine not exceeding 50*l*.

(5.) The duties of a surveyor of ships shall be performed under the direction of the Board of Trade, and in accordance with the regulations made by that Board.

725.—(1.) A surveyor of ships in the execution of his duties may go on board any steam-ship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer to which the provisions of this Act or any of the regulations made under this Act apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of any accident to the ship or for any other reason they consider it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

(2.) If any person hinders any surveyor of ships from going on board any steam-ship or otherwise impedes him in the execution of his duties under this Act, that person shall for each offence be liable to a fine not exceeding 5*l*.

726.—(1.) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the

nature and particulars of machinery and equipment conveyed by them.

(2.) The owner, master, and engineer of any ship shall, on demand, give to the surveyors all such assistance within his power as they require for the returns.

(3.) If any owner, master, or engineer, on being required for that purpose, fails without reasonable cause to give information or assistance, he shall for each offence be liable to a fine not exceeding 5*l*.

727. The Governor of a British possession shall not remove surveyors of ships within the limits of their jurisdiction for any purposes of this Act to be carried into effect in such possession.

Board of Trade Inspectors.

728. The Board of Trade may, as and when they think fit, appoint any person as an Inspector to report to them—

(a.) Upon the nature and causes of any accident or loss sustained by any ship has sustained or caused, or is alleged to have been caused; or

(b.) Whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with;

(c.) Whether the hull and machinery of any ship are in a sufficient and in good condition.

729.—(1.) An Inspector so appointed (in this Act called a Board of Trade Inspector), and any person having been appointed a Board of Trade Inspector—

(a.) May go on board any ship and inspect the condition thereof, or any of the machinery, boats, equipment on board thereof to which the provisions of this Act apply, and board thereof to which the provisions of this Act apply, and necessarily detaining or delaying her from proceeding on her voyage; and

(b.) May enter and inspect any premises the entrance to which of which appears to him to be requisite for the purpose of the report which he is directed to make; and

(c.) May, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him for the purpose of his report, and may require answers to the inquiries he thinks fit to make; and

(d.) May require and enforce the production of any books or documents which he considers important for the purpose of his report; and

(e.) May administer oaths, or may, in lieu of administering an oath, require every person examined to swear or affirm that he will give true and correct answers to the questions put to him.

make and subscribe a declaration of the truth of the statements made by him in his examination.

(2.) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before any Court of Record, or if in Scotland to a witness attending on citation the Court of Justiciary; and in case of any dispute as to the amount of those expenses, the same shall be referred in England or Ireland to one of the Masters or Registrars of the High Court, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, and the officer shall, on request made to him for that purpose under the hand of the Inspector or person having the powers of an Inspector, ascertain and certify the proper amount of those expenses

(3.) If any person refuses to attend as a witness before a Board of Trade Inspector or before any person having the powers of a Board of Trade Inspector, after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which an Inspector or person having the powers of an Inspector is hereby empowered to require, that person shall, for each offence be liable to a fine not exceeding 10*l*.

730. If any person wilfully impedes a Board of Trade Inspector or any person having the powers of a Board of Trade Inspector in the execution of his duty, whether on board ship or elsewhere, that person shall, for each offence, be liable to a fine not exceeding 10*l*., and may be seized and detained by the Inspector or person having the powers of an Inspector, or by any person or persons whom that Inspector or person may call to his assistance, until he can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction.

Exemption from Rates and Harbour Dues.

731. All lighthouses, buoys, beacons, and all light dues, and other rates, fees, or payments accruing to or forming part of the Mercantile Marine Fund, and all premises or property belonging to or occupied by any of the general lighthouse authorities or by the Board of Trade, which are used or applied for the purposes of any of the services for which those dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities or of the Board of Trade in carrying on those services, shall be exempted

from all public, parochial, and local taxes, duties and kind.

732. All vessels belonging to or used by any lighthouse authorities or the Board of Trade shall not enter, resort to, and use any harbours, ports, or rivers in the United Kingdom without payment of any toll or duty of any kind.

Private Signals.

733.—(1.) If a shipowner desires to use for his private code any rockets, lights, or other similar signals, he shall register those signals with the Board of Trade, and shall give public notice of the signals so registered as they think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots.

(2.) The Board may refuse to register any signal if, in their opinion, cannot easily be distinguished from signals for pilots.

(3.) Where a signal has been registered under this Act, the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not render that person liable to any fine or liability under this Act for using signals improperly.

Application of Act to Foreign Ships by Order in Council.

734. Where it has been made to appear to His Majesty that the Government of any foreign country is desirous that the provisions of this Act, or of any Act hereafter to be made in relation to the same, which do not apply to the ships of that country, should so apply, and there are no special provisions in that Act, that application, Her Majesty in Council may order that those provisions as are in the Order specified shall, subject to any limitations, if any, contained therein, apply to the ships of that country, and to the owners, masters, seamen, and crews of those ships, when not locally within the jurisdiction of that country, in the same manner in all respects as if those ships were British ships.

Powers of Colonial Legislature.

735.—(1.) The Legislature of any British colony may make any Act or Ordinance, confirmed by Her Majesty in Council, wholly or in part, any provisions of this Act (other

the Third Part thereof which relate to emigrant ships) relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.

(2.) Where any Act or Ordinance of the Legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act.

736. The Legislature of a British possession may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions:—

(a.) The Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed;

(b.) The Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made;

(c.) Where by Treaty made before the passing of "The Merchant Shipping (Colonial) Act, 1869" (that is to say, before the 13th day of May, 1869), Her Majesty has agreed to grant to any ships of any foreign State any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Provision for Foreign Places where Her Majesty has Jurisdiction.

737. Where under this Act anything is authorized to be done by, to or before a British Consular officer, and in any place outside Her Majesty's dominions in which Her Majesty has jurisdiction there is no such officer, such thing may be done in that place by, to, or before such officer as Her Majesty in Council may direct.

Orders in Council.

738.—(1.) Where Her Majesty has power under this Act, or any Act hereafter to be passed amending the same, to make an Order in Council, Her Majesty may from time to time make that Order in Council, and by Order in Council revoke, alter or add to any Order so made.

(2.) Every such Order in Council shall be published in the "London Gazette," and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

(3.) Subject to any special provisions of this Act relating to the publication of any such Order the Order shall, as from the date of its publication or any later date mentioned in the Order, have the same effect as if it were enacted by Parliament.

Transmission and Publication of Documents.

739.—(1.) Where by this Act any notice, direction, or other communication is required or authorised to be given or made by the Board of Trade, or the Commissioners of Customs, or the Governor of a British possession, to any person being an officer of such Board, or Commissioners, or to any other person, the same shall be given or made in writing.

(2.) Where any notice or document is by this Act authorised to be transmitted or sent, the same may be sent by post.

740. Where a document is required by this Act to be published in the "London Gazette," it shall be sufficient if it is published in accordance with "The Rules of Publication."

Exemption of Her Majesty's Ships.

741. This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Definitions and Provisions as to Application.

742. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"Vessel" includes any ship or boat, or any other craft or vessel used in navigation;

"Ship" includes every description of vessel used in navigation, not propelled by oars;

"Foreign-going ship" includes every ship employed in trade or going between some place or places in the United Kingdom and some place or places situate beyond the following limits, to wit, the coasts of the United Kingdom, the Channel, the Isle of Man, and the Continent of Europe between the Elbe and Brest inclusive;

"Home trade ship" includes every ship employed in trading or going within the following limits, that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the Continent of Europe between the River Elbe and Brest inclusive;

"Home trade passenger ship" means every home trade ship employed in carrying passengers;

"Master" includes every person (except a pilot) having command or charge of any ship;

"Seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship;

"Wages" includes emoluments;

"Effects" includes clothes and documents;

"Salvor" means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

"Pilot" means any person not belonging to a ship who has the conduct thereof;

"Court" in relation to any proceeding includes any Magistrate or Justice having jurisdiction in the matter to which the proceeding relates;

"Colonial Court of Admiralty" has the same meaning as in "The Colonial Courts of Admiralty Act, 1890;"*

"A Commissioner for Oaths" means a Commissioner for Oaths within the meaning of "The Commissioners for Oaths Act, 1889;"†

"Chief Officer of Customs" includes the Collector, Superintendent, Principal Coast Officer, or other Chief Officer of Customs at each port;

"Superintendent" shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a Superintendent;

"Consular officer," when used in relation to a foreign country, means the officer recognized by Her Majesty as a Consular officer of that foreign country;

"Bankruptcy" includes insolvency;

"Representation" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

"Legal personal representative" means the person so constituted executor, administrator, or other representative of a deceased person;

"Name" includes a surname;

* Vol. LXXXII, page 672.

† Vol. LXXXI, page 602.

"**Harbour**" means harbours properly so called, whether natural or artificial, situated on navigable rivers, piers, jetties, and quays, and any other works which ships can obtain shelter, or ship and cargo can be landed or stored.

"**High water**" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides.

"**Local authority**" includes all persons or bodies of persons who are or may be incorporated, being proprietors of, or intrusted with, the duty or power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

"**Local authority and duty**" includes all persons or bodies of persons who are or may be incorporated, intrusted with the duty or power of constructing, improving, managing, regulating, maintaining, or lighting a harbour.

"**Light**" shall be taken in to the ordinary meaning of the word, and shall include any and every light exhibited for the guidance of ships, and any apparatus and any other description of fog-signals, and any apparatus or apparatus of any improved light, or any apparatus or apparatus of fog-signals.

"**Signs and beacons**" includes all other marks and signs of the sea.

"**The Trinity House**" shall mean the master, wardens, and members of the guild, fraternity, or brotherhood of the most renowned and ancient Trinity and of St. Clement, in the parish of St. Paul, in the county of Kent, commonly called the Corporation of the Trinity House of Deptford Strond;

"**The Commissioners of Irish Lights**" means the body incorporated by that name under the local Act of the Session held in the thirteenth and thirty-first years of the reign of Her present Majesty, and since altered by an Act to alter the constitution of the Corporation for preserving and improving the port of Dublin, and for other purposes connected with that body and with the port of Dublin Corporation, and any Act amending the same;

"**Lifeboat service**" means the saving, or attempted saving, of vessels, or of life, or property on board vessels, wrecked or aground, or sunk, or in danger of being wrecked or getting aground, or sinking.

Any reference to failure to do any act or thing shall include reference to refusal to do that act or thing.

743. Any provisions of this Act applying to steamers or ships shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

744. Ships engaged in the whale, seal, walrus, or Newfoundland cod fisheries shall be deemed to be foreign-going ships for the purpose of this Act, and not fishing-boats, with the exception of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland.

Repeal and Savings.

745.—(1.) The Acts mentioned in the Twenty-second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Provided that—

(a.) Any Order in Council, licence, certificate, bye-law, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act;

(b.) Any officer appointed, any body elected or constituted, and any savings bank or office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;

(c.) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act;

(d.) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act;

(e.) Ships registered under "The Merchant Shipping Act, 1854," and the Acts amending the same, or duly registered before the passing of "The Merchant Shipping Act, 1854," shall be deemed to have been registered under this Act;

(f.) Nothing in this Act shall affect "The Behring Sea Award Act, 1894,"* and that Act shall have effect as if this Act had not passed.

(2.) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 88 of "The Interpretation Act, 1889," with regard to the effect of repeals.

(3.) The tonnage of every ship not measured or remeasured in accordance with "The Merchant Shipping Tonnage Act, 1889," shall be estimated for all purposes as if any deduction prohibited by "The Merchant Shipping (Tonnage) Act, 1889,"† had not been

* Page 75.

† Vol. LXXXI, page 642.

made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

746.—L. Nothing in this Act shall affect "The Chinese Passengers Act, 1855."

2. Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act.

(3.) Nothing in this Act shall affect the rating of any seaman who was rated and served as "A.B." before the 2nd day of August 1880.

Short Title and Commencement.

747. This Act may be cited as "The Merchant Shipping Act 1894."

748. This Act shall come into operation on the 1st day of January, 1895.

SCHEDULES.

FIRST SCHEDULE.

PART I.

[The Forms in this Part of the Schedule are subject to alteration from time to time by the Commissioners of Customs, with the consent of the Board of Trade.]

FORM (A).—Bill of Sale.

Official No.		Name of Ship.		No., Date, and Port of Registry.	
No., date, and port of previous registry (if any).					
Whether British or Foreign built.		Whether a Sailing- or Steam-ship; and if a Steam-ship how propelled.		Where built.	When built.
Name and Address of Builders.					
No. of decks	Head	Length from fore part of stem, under the bowsprit, to the aft side	Feet.	Tenths.	
No. of masts	Framework and description of vessel	of the head of the stern-post..	.. ..	.. ..
Rigged	No. of bulkheads..	Length at quarter of depth from top of weather deck at side	.. ..	.. ..
Stern	No. of water ballast	amidships to bottom of keel	.. ..	.. ..
Build	No. of tanks and their capacity in tons.	Main breadth to outside of plank	.. ..	.. ..
Galleries		Depth in hold from tonnage deck to ceiling at midships	.. ..	.. ..
		Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards	.. ..	.. ..
		Depth from top of beam amidships to top of keel	.. ..	.. ..
		Depth from top of deck at side amidships to bottom of keel	.. ..	.. ..
		Round of beam	.. ..	.. ..
		Length of engine room, if any	.. ..	.. ..

Particulars of Displacement.

Tons.		Tons.	
Total to quarter the depth from weather deck at side amidships to bottom of keel		Ditto per inch immersion at same depth ..	

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N.H.P., I.H.P., Speed of Ship.
	<i>Engines.</i>		<i>Engines.</i>	<i>Engines.</i>			
	<i>Boilers.</i>		<i>Boilers.</i>	<i>Boilers.</i>			
Number .. ..	.. ..					
Iron or steel .. ..	.. ..					
Pressure when loaded .. ..	.. ..					

Particulars of Tonnage.

	No. of Tons.		No. of Tons.
<i>Gross Tonnage.</i>		<i>Deductions allowed.</i>	
Under tonnage deck		On account of space required for propelling power ..	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occu- pied by seamen or appren- tices, and appropriated to their use, and certified under the regulations scheduled to this Act. These spaces are the following, viz.:	
Space or spaces between deck			
Poop			
Forecastle			
Round house			
Other closed-in spaces, spaces for machinery, light and air, if any ..			
		On account of space used exclusively for accommo- dation of master, for the working of the helm, the capstan and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores, and for space occupied by donkey engine and boiler, and in case of sailing-ships for space used for storage of sails	
		Cubic Metres.	
Gross tonnage			
Deductions as per contra			
Registered tonnage ..			Total deductions

* in consideration of the sum of
 paid to† by , the receipt whereof is
 hereby acknowledged, transfer shares in the ship above particularly
 described, and in her boats, guns, ammunition, small arms, and appurtenances,
 to the said
 Further* the said for‡
 heirs covenant with the said and§ assigns,
 that* have power to transfer in manner aforesaid the premises
 hereinbefore expressed to be transferred, and that the same are free from
 incumbrances.||

* "I" or "we."

† "Me" or "us."

‡ "Myself and my," or "ourselves and our."

§ "His," "her," or "their."

|| If there be any subsisting mortgage, or outstanding certificate of mortgage,
 add "save as appears by the registry of the said ship."

(ii.) *To secure Account Current, &c.*

Whereas*

Now†, the undersigned, in consideration
 of the premises for‡, and§ heirs, covenant with
 the said and|| assigns, to pay to him or them
 the sums for the time being due on this security, whether by way of principal or
 interest, at the times and manner aforesaid. And for the purpose of better
 securing to the said the payment of such sums as last
 aforesaid,† do hereby mortgage to the said
 shares, of which¶ the owner in the ship
 above particularly described, and in her boats, guns, ammunition, small arms,
 and appurtenances.

Lastly,† for‡ and§ heirs,
 covenant with the said and|| assigns that†
 ha power to mortgage in manner aforesaid the above-
 mentioned shares, and that the same are free from incumbrances.**

In witness whereof† ha hereto subscribed§
 name and affixed§ seal this day
 of , 18 .

Executed by the above-named in the presence of .

Note.—The prompt registration of a mortgage deed at the port of registry of
 the ship is essential to the security of the mortgagee, as a mortgage takes its
 priority from the date of production for registry, *not from the date of the*
instrument.

* Here state by way of recital that there is an account current between the
 mortgagor (describing him) and the mortgagee (describing him); and describe
 the nature of the transaction so as to show how the amount of principal and
 interest due at any given time is to be ascertained, and the manner and time of
 payment.

† "I" or "we."

‡ "Myself" or "ourselves."

§ "My" or "our."

|| "His" or "their."

¶ "I am" or "we are."

** If any prior incumbrance add, "save as appears by the registry of the said
 ship."

FORM (C).—*Transfer of Mortgage.*[*To be indorsed on the original Mortgage.*]

*, the within-mentioned ,
 in consideration of , this day paid to† by
 hereby transfer to‡ the benefit of the
 within written security.

In witness whereof* ha hereunto subscribed§
 name and affixed§ seal this day
 of , 18 .

Executed by the above-named in the presence of .

* "I" or "we."

† "Me" or "us."

‡ "Him" or "them."

§ "My" or "our."

PART II.

*Documents of which the Forms are to be prescribed by the
Customs and sanctioned by the Board of Trade.*

Certificate of surveyor.

Declaration of ownership by individual owner.

Declaration of ownership on behalf of a corporation or

Certificate of registry.

Provisional certificate.

Declaration of ownership by individual transferee.

Declaration of ownership on behalf of a corporation or

Declaration of owner taking by transmission.

Declaration by mortgagee taking by transmission.

Certificate of mortgage.

Certificate of sale.

Revocation of certificate of sale or mortgage.

SECOND SCHEDULE.

*Measurement of Tonnage.**Rule I.*

1. MEASURE the length of the ship in a straight line along the tonnage deck from the inside of the inner plank (average side of the stem to the inside of the midship stern timber or in case may be (average thickness), deducting from this length the rake of the bow in the thickness of the deck, and what is due to the stern timber in the thickness of the deck, and also what is due to the stern timber in one-third of the round of the beam; and taken into the number of equal parts required by the following Table to the class in such Table to which the ship belongs:—

TABLE.

Class 1. Ships of which the tonnage deck is according to the measurement 50 feet long or under, into four equal parts;

Class 2. Ships of which the tonnage deck is according to the measurement above 50 feet long and not exceeding 120 feet, into six equal parts;

Class 3. Ships of which the tonnage deck is according to the measurement above 120 feet long and not exceeding 180 feet, into eight equal parts;

Class 4. Ships of which the tonnage deck is according to the measurement above 180 feet long and not exceeding 225 feet, into ten equal parts;

Class 5. Ships of which the tonnage deck is according to the measurement above 225 feet long, into twelve equal parts.

2. Then the hold being first sufficiently cleared to admit of the beams being properly taken, find the transverse depths and breadths being properly taken, find the transverse area at each point of division of the length as follows: Measure the area of point of division, from a point at a distance of one-third of the beam below the tonnage deck, or, in case of a break, below the continuation thereof, to the upper side of the floor timber and the limber strake, after deducting the average thickness of the

between the bilge planks and limber strake (subject, however, to the provisions of this Act in the case of a ship constructed with a double bottom for water ballast); then if the depth at the midship division of the length do not exceed 16 feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (*i.e.*, numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed 16 feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

3. Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above Table, proceed to ascertain the register tonnage under the tonnage deck in the following manner: Number the areas respectively 1, 2, 3, &c., No. 1 being at the extreme limit of the length at the bow, and the last number at the extreme limit at the length at the stern; then, whether the length be divided according to the Table into four or twelve parts as in Classes 1 and 5, or any intermediate number as in Classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by 100, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the ship subject to any additions and deductions under this Act.

4. If the ship had a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows: Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even-numbered breadths by four, and the third and all the other odd-numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one-third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by 100, and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage of the

ship ascertained as aforesaid. If the ship has more than one space between decks above the tonnage deck ascertained in manner above described, and shall be added to the ship ascertained as aforesaid.

5. If there be a break, a poop, or any other permanent part of the upper deck, available for cargo or stores, or for the berthing of passengers or crew, the tonnage of that space shall be ascertained as follows: Measure the internal mean length of the space into two equal parts; measure at the middle of its height three times, namely, one at each end and the other at the middle of the space; the sum of the end breadths add four times the middle breadth to the whole sum by one-third of the common interval between the measurements; the product will give the mean horizontal area of the space; then multiply by the height, and multiply by it the mean horizontal area; divide the result by 100, and the quotient shall be deemed to be the tonnage of that space to be added to the tonnage under the tonnage deck ascertained. Provided that no addition shall be made in respect of any space used for the shelter of deck passengers, and approved by the Board of Customs.

Rule II.

1. Measure the length on the uppermost deck from the foremast plank at the stem to the aftside of the stern post, deduct the distance between the aftside of the stern post and the rabbet of the stern at the point where the counter plank crosses it; measure the breadth of the ship to the outside of the outer planking at the widest part having first marked on the outside of the ship on both sides of the upper deck at the ship's sides, girth the ship at the greatest direction perpendicular to the keel from the height so marked on the ship on the one side to the height so marked on the other side, and the chain under the keel; to half the girth thus taken add half the square of the sum; multiply the result by the length of ship to be measured; then multiply this product by the factor $\cdot 0018 \left(\frac{18}{10000}\right)$ for ships built of wood, and $\cdot 0021 \left(\frac{21}{10000}\right)$ in the case of ships built of iron; the product shall be deemed the register tonnage of the ship, subject to the deductions under this Act.

2. If there be a break, a poop, or other closed-in space, the tonnage of that space shall be ascertained by multiplying the length, breadth, and depth of the space, and dividing the product by 100, the quotient so obtained shall be deemed to be the tonnage of that space to be added to the tonnage of the ship ascertained as aforesaid.

Rule III.

(i.) Measure the mean depth of the space from its crown to the limber strake, measure also three, or, if necessary, more, times the length of the space at the middle of its depth, taking one of those measurements at each end, and another at the middle of the length; take the mean of the breadths; measure also the mean length of the space between the aftermost bulkheads or limits of its length, excluding such spaces as are not actually occupied by or required for the proper working of the ship; multiply together these three dimensions of length, breadth, and depth, divide the product by 100, and the result shall be deemed the tonnage of that space to be added to the tonnage of the ship ascertained as aforesaid.

below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100, and the result shall (subject to the provisions hereinafter contained) be deemed to be the tonnage of the space.

(ii.) If in any ship in which the space for propelling power is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space.

(iii.) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100.

(iv.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces, or if any cabins be fitted in the space, the ship shall be deemed to be a ship not registered until remeasurement.

Rule IV.

In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary-line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

THIRD SCHEDULE.

Table of Maximum Fees to be paid for the Measurement of Merchant Ships.

	£	s.	d.
For a ship under 50 tons register tonnage	1	0	0
For a ship from 50 to 100 tons register tonnage	1	10	0
For a ship from 100 to 200 tons register tonnage	2	0	0
For a ship from 200 to 500 tons register tonnage	3	0	0
For a ship from 500 to 800 tons register tonnage	4	0	0
For a ship from 800 to 1,200 tons register tonnage	5	0	0
For a ship from 1,200 to 2,000 tons register tonnage	6	0	0
For a ship from 2,000 to 3,000 tons register tonnage	7	0	0
For a ship from 3,000 to 4,000 tons register tonnage	8	0	0
For a ship from 4,000 to 5,000 tons register tonnage	9	0	0
For a ship from 5,000 tons and upwards register tonnage	10	0	0

FOURTH SCHEDULE.

Table of Maximum Fees to be paid by Applicants for Examination.

For Certificates as Masters and Mates.

	£	s.	d.
Certificate as master	2	0	0
Certificate as mate	1	0	0

For Certificates as Engineers.

Certificate as first class engineer..	..	..	..	..
Certificate as second class engineer	..	..	..	..

FIFTH SCHEDULE.

*Regulations to be observed with respect to Anti-Scorbutics.**Furnishing of Anti-Scorbutics.*

1. THE anti-scorbutics to be furnished shall be lime or lemon juice or other anti-scorbutics (if any) of such quality, and composed and packed and kept in such manner as Her Majesty by Order in Council direct.

2. No lime or lemon juice shall be deemed fit and proper for use on board ship, for the use of the crew or passengers thereof, unless it be obtained from a bonded warehouse for and to be shipped as stores.

3. Lime or lemon juice shall not be so obtained or delivered as aforesaid, unless—

(a.) It is shown, by a certificate under the hand of an inspector approved by the Board of Trade, to be proper for use on board ship, and given upon inspection of a sample, after deposit of the lime or lemon juice in the warehouse; and

(b.) It contains 15 per cent. of proper and palatable sugar, as approved by the inspector or by the proper officer of customs, before or immediately after the inspection thereof; and

(c.) It is packed in such bottles at such time and in such manner as to be labelled in such manner as the Commissioners of Customs may require.

4. If the lime or lemon juice is deposited in a bonded warehouse, it shall be approved as aforesaid by the inspector, the spirit, or the sugar necessary to make up 15 per cent., may be added in the warehouse, on payment of any duty thereon; and when any spirit has been added to the lime or lemon juice, and the lime or lemon juice has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores, on such terms and subject to such regulations of the Commissioners of Customs as may be applicable to the delivery of ship's stores from the warehouse.

5. The lime or lemon juice with which a ship is required to be supplied, provided shall be taken from the warehouse duly labelled as aforesaid, the labels shall remain intact until twenty-four hours at least after the ship's departure from her port of departure on her foreign voyage.

Serving out of Anti-Scorbutics.

6. The lime or lemon juice shall be served out with sugar, in addition to any sugar required by the agreement with the crew.

7. The anti-scorbutics shall be served out to the crew so long as the ship has been at sea for ten days; and during the remainder of the voyage, such time as they are in harbour and are there supplied with stores.

8. The lime or lemon juice and sugar shall be served out to the crew, an ounce each per day to each member of the crew, and such quantity of water as may be required before being served out.

9. The other anti-scorbutics, if any, provided in pursuance of an Order in Council shall be served out at such times and in such quantities as the Order in Council directs.

SIXTH SCHEDULE.

Regulations to be observed with respect to Accommodation on board Ships.

1. EVERY place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by the Second Part of this Act to contain available for the proper accommodation of the men who are to occupy it, and shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from effluvium which may be caused by cargo or bilge water.

2. A place so occupied and appropriated as aforesaid shall not authorize a deduction from registered tonnage under the tonnage regulations of this Act unless there be in the ship properly constructed privies for the use of the crew, of such number and of such construction as may be approved by the surveyor of ships.

3. Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors of ships under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a certificate to that effect, and if the certificate is obtained, but not otherwise, the space shall be deducted from the register tonnage.

4. No deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

5. Upon any complaint concerning any place so occupied and appropriated as aforesaid, a surveyor of ships may inspect the place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the Chief Officer of Customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it be certified by the surveyor, or by some other surveyor of ships, that the provisions of this Act in respect of the place are fully complied with.

Maximum Fees for Inspection.

6. The fee for each visit to the ship shall not exceed 10s.

7. The aggregate amount of the fees for any such inspection shall not exceed 1*l.*, whatever be the number of separate visits.

8. When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.

SEVENTH SCHEDULE.

*Constitution of Local Marine Boards.**Elections.*

1. A LOCAL Marine Board shall consist of the following members, viz. :—

(a.) The Mayor or Provost and the Stipendiary Magistrate, or such of the Mayors or Provosts and Stipendiary Magistrates of the place (if more than one) as the Board of Trade appoint;

(b.) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within 7 miles thereof;

(c.) Six members elected by the owners of such foreign-going ships and home trade passenger-ships as are registered at the port.

2. The election shall be held on the 25th day of January, 1896, and on the 25th day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

3. Upon the conclusion of that month and the constitution of a new Board, the functions of the then existing Board shall cease, and the Board, consisting of the members then newly elected and appointed, shall take its place.

4. A casual vacancy happening in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed to fill a casual vacancy shall continue a member until the next constitution of the new Board.

5. The Mayor or Provost shall fix the place and mode of conducting elections, and also, in the case of casual vacancies, the day of election, and shall give at least ten days' notice thereof.

6. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

7. Owners of foreign-going ships and of home trade passenger ships registered at the port shall have votes at the election as follows, namely :—

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

8. The qualification of electors shall be ascertained as follows :—

(a.) In the case of a ship registered in the name of one person, that person shall be deemed to be the owner;

(b.) In the case of a ship registered in distinct and several shares in the names of more persons than one, the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him;

(c.) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by the joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the tonnage shall be deemed to be owned by such one of the joint

owners resident or having a place of business at the port or within 7 miles thereof as is first named on the register;

(d.) In making any such apportionment any portion of the tonnage may be struck off so as to produce a divisible amount;

(e.) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and if sufficient, shall constitute his qualification.

9. The Chief Officer of Customs in the port shall, with the assistance of the Registrar-General of Shipping and Seamen, on or before the 25th day of December in the year 1895, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the name and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom-house of the port for two entire weeks next after the list has been made, and shall keep two copies of the list, and permit the same to be perused by any person, without payment, at all reasonable hours during those two weeks.

10. The Mayor or Provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the 25th day of January, 1896, and in each succeeding third year, nominate two Justices of the Peace (in this Schedule referred to as the revisors) to revise the list.

11. The revisors shall, between the 8th and 15th days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom-house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said chief officer.

12. The revisors shall give three clear days' notice of the revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom-house.

13. The revisors shall make the revision by inserting in the list the name of every person who claims to have his name inserted therein, and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been inserted therein.

14. The decision of the revisors with respect to every such claim or objection shall be conclusive.

15. The revisors shall, immediately after the revision, sign their names at the foot of the list so revised.

16. The list so revised shall be the register of voters at elections for three years from the 25th day of January then next ensuing inclusive to the 24th day of January inclusive in the third succeeding year.

17. The revised list, when so signed, shall be delivered to the Mayor or Provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

18. The chief officer shall, if required, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar-General of Shipping and Seamen, if required, shall also produce or transmit to them such certified extracts or

returns from the books in his custody as may be necessary for the same purpose.

19. The revisors shall certify the expenses properly incurred by the clerk officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the Mayor or Provost in printing the same, or in any election; and the Board of Trade may disallow any items of any of those expenses in their opinion improperly incurred.

20. Every person whose name appears on the revised list, and no other person, shall be qualified to vote at the election on the 25th day of January next after the revision, and at any election for a casual vacancy held at any time between that day and the next ordinary triennial election.

Qualification of Members.

21. Every male person who is, according to the revised list, entitled to vote, shall be qualified to be elected a member, and no other person shall be qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

Application to Corporations.

22. A corporation owning a ship shall be entitled to be registered in the same manner as any individual, with the substitution of the office of the corporation for the residence of the individual. The vote of such corporation shall be given by some person whom the corporation may appoint in that behalf, and that person shall be qualified to be elected a member, and if the corporation ceases after his election to be an owner of such quantity of tonnage as entitles the corporation to be registered as a voter, that person shall cease to be a member, and another member shall be elected in his place.

EIGHTH SCHEDULE.

Particulars to be registered by Master of a Ship concerning a Birth at Sea

Date of birth :
 Name (if any) and sex of the child :
 Name and surname, rank, profession, or occupation of the father :
 Name and surname, and maiden surname of the mother :
 Nationality and last place of abode of the father and mother :

Particulars to be registered by Master of a Ship concerning a Death at Sea

Date of death :
 Name and surname :
 Sex :
 Age :
 Rank, profession, or occupation :
 Nationality, and last place of abode :
 Cause of death :

NINTH SCHEDULE.

Part 1.—Maximum Fees to be paid for Passenger Steamer's Certificate.

	£	s.	d.
For passenger steamers not exceeding 100 tons	4	0	0
Exceeding 100 tons and not exceeding 300 tons	6	0	0
Exceeding 300 tons and not exceeding 600 tons	8	0	0
And for every additional 300 tons above 600 tons an additional ..	2	0	0

Part 2.—Maximum Fees for Survey of Emigrant Ships.

	£	s.	d.
For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores	10	0	0
For a special survey	15	0	0

TENTH SCHEDULE.

Regulations as to Number of Persons carried on Emigrant Ships.

1. An emigrant ship shall not carry under the poop or in the round-house or deck-house or on the upper passenger deck a greater number of steerage passengers than in the proportion of one statute adult to every 15 clear superficial feet of deck allotted to their use.

2. An emigrant ship shall not carry on the lower passenger deck a greater number of steerage passengers than in the proportion of one statute adult to every 18 clear superficial feet of deck allotted to their use.

3. Provided that if the height between the lower passenger deck and the deck immediately above it is less than 7 feet, or if the apertures (exclusive of side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck, the ship shall not carry a greater number of steerage passengers on that deck than in the proportion of one statute adult to every 25 clear superficial feet thereof.

4. An emigrant ship, whatever be her superficial space of decks, shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every 5 superficial feet, clear for exercise, on the upper deck or poop, or on any round-house or deck-house which is secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance.

5. In the measurement of the passenger decks, poop, round-house, or deck-house, the space for the hospital, and the space occupied by that part of the personal luggage of the steerage passengers which the emigration officer permits to be carried there, shall be included.

ELEVENTH SCHEDULE.

*Regulations as to the Accommodation for Steerage**Construction of Passenger Decks.*

1. THE beams supporting the passenger decks shall be permanent structure of the ship. They shall be of adequate strength in the judgment of the emigration officer at the port of clearance, and shall be secured to the ship to his satisfaction.
2. The passenger decks shall be at least $1\frac{1}{2}$ inches thick, and be firmly fastened on the beams continuously from side to side of the compartment in which the steerage passengers are berthed.
3. The height between that part of any deck on which the passengers are carried and the deck immediately above it shall not be less than 6 ft. 6 in.

Berths.

4. There shall not be more than two tiers of berths on each deck, the interval between the floor of berths and the deck immediately above shall not be less than 6 inches. The interval between each tier of berths between the uppermost tier and the deck above it shall not be less than 2 ft. 6 in.
5. The berths shall be securely constructed and of dimensions not less than 6 feet in length and 18 inches in breadth for each statute passenger, and sufficient in number for the proper accommodation of all the passengers contained in the lists of passengers by this Act required to be carried, under the supervision of the master of the ship.
6. No part of any berth shall be placed within 9 inches of the side of the ship, or be erected in the between-decks.
7. All male steerage passengers of the age of 14 years and upwards (including those who occupy berths with their wives) shall to the satisfaction of the emigration officer at the port of clearance be berthed in the ship in a compartment divided off from the space appropriated for the accommodation of steerage passengers by a substantial and well-secured bulkhead, and not communicating with any adjoining steerage passenger compartment. The ship is fitted with inclosed berths, in separate rooms.
8. Not more than one steerage passenger, except in the case of a married couple, wife, or females, or children under the age of 12 years, shall occupy the same berth.
9. Berths occupied by steerage passengers during the voyage shall not be taken down until forty-eight hours after the arrival of the ship at the port of final discharge, unless all the steerage passengers have voluntarily departed from the ship before the expiration of that time. The master of the ship who fails to comply with this regulation shall be liable to a fine for breach of this regulation.

Hospitals.

10. Sufficient space shall be set apart in every emigrant ship, and exclusively as a hospital for the steerage passengers, properly fitted up to the satisfaction of the emigration officer at the port of clearance.
11. The space set apart for a hospital shall be under cover, either in a round-house, or in any deck-house which shall be properly

the satisfaction of the emigration officer at the port of clearance, or on the upper passenger deck, and not elsewhere.

12. The space so set apart shall contain not less than 18 clear superficial feet for every fifty steerage passengers whom the ship carries; and shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

Privies.

13. Every emigrant ship shall be provided to the satisfaction of the emigration officer at the port of clearance with at least two privies, and with two additional privies on deck for every 100 steerage passengers on board, and in ships carrying as many as fifty female steerage passengers with at least two water-closets under the poop or elsewhere on the upper deck to the satisfaction of the emigration officer for the exclusive use of women and young children. The privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number.

14. All such privies and water-closets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the final port of discharge, unless all the steerage passengers quit the ship before the expiration of that time.

15. The master of the ship shall alone be liable to a fine for breach of the regulations as to privies.

Light and Ventilation.

16. Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require, and if there are as many as 100 steerage passengers on board shall be supplied with an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction.

17. The steerage passengers shall have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to them, and over each such hatchway there shall be erected such a booby-hatch or other substantial covering as will, in the opinion of the emigration officer, afford the greatest amount of light and air, and of protection from wet, which the case will admit.

TWELFTH SCHEDULE.

Water and Provisions.

WATER and provisions shall be issued to the steerage passengers according to the following dietary scale (that is to say) :—

Water.

Three quarts daily to each statute adult, exclusive of the quantity necessary for cooking any article issued under this Schedule in a cooked state.

Provisions.

WEEKLY, per statute adult :—

	Scale (A). — For Voyages not exceeding 84 Days for Sailing-ships or 50 Days for Steam-ships or Ships having Steam Power in aid of Sails.
	Lbs. ozs.
Bread or biscuit, not inferior to navy biscuit	3 8
Wheaten flour	1 0
Oatmeal	1 8
Rice	1 8
Peas	1 8
Beef	1 4
Pork	1 0
Butter .. .. .	..
Potatoes	2 0
Sugar	1 0
Tea	0 2
Salt	0 2
Mustard	0 0½
Pepper (white or black), ground ..	0 0½
Vinegar	One gill
Preserved meat .. .. .	..
Suet .. .. .	..
Raisins .. .. .	..
Lime juice .. .. .	..

Substitutions.

Substitutions at the following rates may, at the option of the emigrant ship, be made in the above dietary scale as follows

1½ lb. of soft bread baked on board for 1 lb. of flour, or 1½ lb. of oatmeal, or 1 lb. of rice, or 1 lb. of peas.

1 lb. of preserved meat for 1 lb. of salt pork or beef.

1 lb. of flour or of bread or biscuit, or ½ lb. of beef or of oatmeal, or 1 lb. of rice, or 1 lb. of peas.

1 lb. of rice for 1½ lb. of oatmeal, or *vice versâ*.

¼ lb. of preserved potatoes for 1 lb. of potatoes.

10 oz. of currants for 8 oz. of raisins.

3½ oz. of cocoa or of coffee, roasted and ground, for 2 oz.

¾ lb. of treacle for ½ lb. of sugar.

1 gill of mixed pickles for 1 gill of vinegar.

Provided that the substituted articles are set forth in the steerage passengers.

Regulations as to Lime Juice.

When the ship is not in the Tropics, it shall not be obligatory to issue lime juice, but lime juice may be issued at the discretion of the medical practitioner on board, or if there is no such medical practitioner, at the discretion of the master.

Regulations as to Messes and Issue of Provisions.

1. Steerage passengers may be divided into messes, but a mess shall not consist of more than ten statute adults.

2. Members of the same family, whereof one at least is a male adult, shall be allowed to form a separate mess.

3. Water and provisions according to the above scales shall be issued daily before 2 o'clock in the afternoon to the head person for the time being of each mess, on behalf and for the use of the members thereof.

4. The first of the issues shall be made before 2 o'clock in the afternoon of the day of embarkation to such of the steerage passengers as are then on board.

5. Such provisions as require to be cooked shall be issued in a properly cooked state.

THIRTEENTH SCHEDULE.

Conditions for Carriage of Horses and Cattle in Emigrant Ships.

1. The animals shall not be carried below any deck on which steerage passengers are berthed, nor in any compartment in which steerage passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by watertight bulkheads extending to the upper deck.

2. Clear space on the spar or weather deck shall be left for the use and exercise of the steerage passengers, at the rate of at least 10 superficial feet for each statute adult.

3. No greater number of steerage passengers shall be carried than in the proportion of fifteen to every 100 tons of the ship's registered tonnage.

4. In emigrant ships of less than 500 tons registered tonnage not more than two head of large cattle shall be carried, nor in emigrant ships of larger tonnage more than one additional head of large cattle for every additional 200 tons of the ship's registered tonnage, nor more in all in any emigrant ship than ten head of large cattle. The expression "large cattle" includes both sexes of horned cattle, deer, horses, and asses; and four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle.

5. Proper arrangements shall be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder.

6. Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any emigrant ship.

FOURTEENTH SCHEDULE.

(Forms under Part III. Passenger and Emigrant

FORM I.

Form of Master's Bond.

Know all men by these presents that we,*
 and firmly bound unto our Sovereign
 of the United Kingdom of Great Britain and Ireland,
 defender of the faith, in the sum of 2,000£.† of good
 Great Britain, to be paid to our said Sovereign,
 successors; to which payment well and truly to be made
 and every of us, jointly and severally, and our law-
 administrators, and every of them, firmly by these pre-
 our seals. Dated this day of , 1

WHEREAS by Part III of "The Merchant Shipping
 amongst other things enacted, that, before any emigrant ship
 proceeds to sea, the master, together with the owner or
 event of the owner or charterer being absent, or being the
 good and sufficient person, approved by the Chief Officer
 port of clearance, shall enter into a joint and several bond
 sum of 2,000£.

Now the condition of this obligation is such, that if the
 whereof the above bounden
 to , is in all respects seaworthy‡ [and if the
 at the port of and there shall be ship
 port pure water for the use of the steerage passengers, shall
 afford an allowance of 3 quarts daily to each statute adult for
 days on the voyage from such port to the final port or place of
 ship], and if (notwithstanding any fine by the said Act in
 the same may have been sued for and recovered or not
 requirements of the said Merchant Shipping Act, 1894 (except
 relate exclusively to passage brokers and emigrant runners
 of Trade acting under the said Act, and of any Order of Home
 relating to "emigrant ships" and now in force, shall in all
 truly performed§ [and if the master for the time being
 submit himself, in like manner as a British subject being the
 emigrant ship, to the jurisdiction of the Tribunals in
 possessions abroad, empowered by the said Act to ad-

* Insert here the Christian and surnames in full, and the
 addresses of each of the two obligors.

† The sum must be 5,000£. if neither the owner or charterer
 reside in the British Islands.

‡ The clause within brackets is to be inserted only when the
 at an intermediate port to take in water as provided in the
 Merchant Shipping Act, 1894."

§ This clause is to be inserted only in the case of a foreign ship
 proceeding to any British possession.

committed against the said Act], and if moreover all fines and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or non-fulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by a Secretary of State or Governor of a British possession or British Consular officer under the said Act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above bounden _____ and
 _____, in the presence of* _____.

†[I hereby certify that the above bond was duly signed, sealed, and delivered according to the law of the United Kingdom by the said _____, master of the said ship _____, and by the said (*other obligor*).]

(Signature)

Chief Officer of Customs for the Port of _____

Date _____, 18 ____.

* Insert names and addresses in full of the witnesses.

† Certificate to be signed by the Chief Officer of Customs and forwarded with the bond to the Colony, according to section 319 of the Act.

FORM II.

Form of Passengers' List.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in several Compartments set apart for Steerage Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify that the provisions actually laden on board this ship are sufficient, according to the requirements of Part III of "The Merchant Shipping Act, 1884," for statute adults for a voyage of days.

(Signature) Master.

Date . 18 .

Names and Descriptions of Passengers.

[illegible]

Nationalities.	Number of Souls.					
	Adults of 12 Years of Age and upwards.				Children between 1 and 12 Years.	
	Married.		Single.		Infants.	
	Males.	Females.	Males.	Females.	Males.	Females.
English
Scotch
Irish
Foreigners
Total

No.

Total number of adults

Children between 1 and 12; equal to statute adults

Total number of statute adults

We hereby certify that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of
 , *Master*.
 , *Emigration Officer*.
 (Signed)

(Countersigned)

, *Officer of Customs at*

Date, 18 ..

N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clears out; and similar certificates be subjoined to such additions, according to the requirements of the Act.

FORM III.

Form of Governor's or Consular Officer's Certificate of Expenditure in the Case of Passengers Wrecked or Forwarded.

I HEREBY certify that, acting under and in conformity with the provisions of "The Merchant Shipping Act, 1894," I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores,* and in forwarding to their destination steerage passengers
 [and cabin passengers†], who were proceeding from
 to in the ship , which was wrecked at sea, &c.‡

And I further certify, for the purposes of Part III of the said Act, that the total amount of such expenses is £, and that such expenses were duly incurred by me under the said Act.

Given under my hand, this day of 18 .

*Governor of, &c. (or as the case may be), British
 Consular Officer at*

* If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

† Omit words in brackets when necessary.

‡ State generally the nature of the disaster and where it occurred. But if the passengers were only left behind, without any default of their own, state the fact accordingly.

FORM IV.

Form of Passage Broker's Bond.

Know all men by these presents that we, *A. B.*,* of C. D., of, &c. , and *E. F.*, of, &c. , are held and firmly bound unto our Sovereign by the grace of God of the United Kingdom of Great Britain and Ireland , Defender of the Faith, in the sum of 1,000*l.* of good and lawful money of Great Britain, to be paid to our said Sovereign, her [his] heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, and our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of , 18 .

WHEREAS by Part III of "The Merchant Shipping Act, 1894," it is amongst other things enacted that a person shall not, save as therein excepted, directly or indirectly act as a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, unless such person has entered, with two good and sufficient sureties, to be approved by the emigration officer nearest to his place of business, into a joint

* Names and surnames in full, with occupation and address of each.

and several bond to the Crown, in the sum of 1,000*l.*; and whereas the said *C. D.* and *E. F.* have been duly approved by the proper emigration officer as sureties for the said *A. B.*

Now the condition of this obligation is such, that if the above bounden *A. B.*, and every agent whom he may employ in his business of a passage broker, shall well and truly observe and comply with all the requirements of the said Act, so far as the same relate to passage brokers, and further shall well and truly pay all fines and forfeitures, and also all sums of money, by way of subsistence money, or of return of passage money or compensation, to any steerage passenger, or on his account, together with all costs which the above bounden *A. B.*, or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of the said Act, then and in such case this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden *A. B.*, *C. D.*, and *E. F.*, in the presence of*

N. B.—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant, or an officer of customs, or a magistrate, or a notary public. One part is to be deposited with the Board of Trade and the other part with the emigration officer at the port nearest to the place of business of the broker.

Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

The bond is exempt from stamp duty, but must be renewed annually with the licence.

* Insert the names and addresses in full of the witnesses.

FORM V.

Form of Passage Broker's Licence.

A. B.,* of _____, in the _____, having shown to the satisfaction of the Council of _____ [or me (or us), the undersigned], that he hath given bond to the Crown, as required by "The Merchant Shipping Act, 1894," and also given fourteen days' previous notice to the Board of Trade of his intention to apply for a licence to carry on the business of a passage broker in respect of steerage passages from the British Islands to any port out of Europe, and not within the Mediterranean Sea, the said Council [or I (or we), the undersigned], having had no sufficient cause shown and seeing no valid reason why the said *A. B.* should not receive such licence, do hereby license and authorize the said *A. B.* to carry on the business of a passage broker as aforesaid until the end of the present year, and thirty-one days afterwards,

* The names and surnames in full, with the address and trade or occupation of the party applying for the licence, must be correctly inserted. If a member of a firm, the names and surnames of all the members must be given.

unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A. B.* as provided in "The Merchant Shipping Act, 1894."

Given under the common seal of the said Council [or my hand and seal (or our respective hands and seals)], this day of , 18 ,
at .

(L.S.) [Signature authenticating seal.]
[or signature] (L.S.)

Sheriff, or Sheriff Substitute, or Justices of the Peace,
as the case may be.

Note.—Each member of a firm or partnership who acts as a passage broker must have a separate licence.

FORM VI.

Form of Notice to be given to the Board of Trade by Licensing Authority granting a Licence.

GENTLEMEN,

THIS is to give you notice that the Council of [or
we (or I), the undersigned], did on the day of , 18 ,
license *A. B.*, of* , to carry on the business of a passage broker
under the provisions of "The Merchant Shipping Act, 1894."

Signatures

Clerk of the said Council, or Sheriff or Justices of the Peace,
or as the case may be.

Place

Date

To the Board of Trade, London.

* Insert the names and surnames in full, with the address and occupation of the party.

FORM VII.

Form of Notice to be given to the Board of Trade by an Applicant for a Passage Broker's Licence.

GENTLEMEN,

I, *A. B.*,* of , in , do hereby give you
notice that it is my intention to apply, after the expiration of fourteen clear
days from the date of putting this notice into the post to the Council for the
city or borough or district of , or if in Scotland to the Sheriff
or Sheriff Substitute of , or if in Ireland to the Justices
assembled in Petty Sessions to be held† , as the case may be

* The names and surname in full, with the address and trade or occupation of the party applying for a licence, must be here correctly inserted.

† The place or district in which the party giving the notice has his place of business.

for a licence to carry on the business of a passage broker under "The Merchant Shipping Act, 1894."

Signature .

Date .

To the Board of Trade, London.

FORM VIII.

Form of Notice of Forfeiture of a Passage Broker's Licence to be given by the Court by which it is forfeited to the Board of Trade.

GENTLEMEN,

THIS is to give you notice that the licence granted on the day of , 18 , to A. B.,* of , in , to act as a passage broker, was on the day of , now last past duly declared by me [or us], the undersigned, to be forfeited.†

Signatures

Place and date

, 18 .

To the Board of Trade, London.

* The names and surname in full, with the address and trade or occupation of the party, to be here inserted.

† Here state generally the reason of forfeiture.

FORM IX.

Form of Appointment of Passage Broker's Agent.

I, A. B., of, &c. [*or, as the case may be*], one of the partners and on behalf of the firm of, &c. [*name all the partners and the style of the firm*], carrying on the business of at , do hereby nominate and appoint you, C. D., of, &c., to act as my agent and on my behalf in the sale or letting of steerage passages and otherwise in the business of a passage broker, according to "The Merchant Shipping Act, 1894."

Signature in full .

Place and date .

Counter signature .

Emigration Officer at the Port of .

Directions.—Insert in the proper places the names and surnames in full, with the correct addresses and designations of the constituent and agent respectively.

FORM X.

Form of Emigrant Runner's Annual Licence

A. B.,* of _____, in the _____
 application in writing to the Council of _____
 or us, the undersigned Justices of the Peace assembled
 the _____ of _____] to grant to
 him to be registered as an emigrant runner in and for†
 the said [*A. B.*] having also been recommended as a pr
 such licence by an emigration officer, or by the chief co
officer of police, as the case may be] of
place in which the said A. B. is to carry on his business]
 I, the Sheriff, or we, the undermentioned Justices] hav
 shown and seeing no valid reason why the said *A. B.* sh
 licence, do hereby grant to him this licence for the purp
 nevertheless, to be revoked for misconduct on the part
 provided in "The Merchant Shipping Act, 1894."
 _____ (Signatures, and au

* The names and surname in full, with the address
 for the licence, must be here correctly inserted.

† District, town, or place in which the emigrant run
 business.

NUMBER and Dimensions of Boats for Fishing-boats entered in the Fishing-boat Register.

Registered Tonnage.				Column 1. — To be carried by Sailing-boats and Steam-boats.			
Sailing-boats.		Steam-boats.		Boats.			
				No.	Length.	Breadth.	Depth.
Tons.		Tons.		No.	Length.	Breadth.	Depth.
400 and upwards ..	..	240 and upwards ..	..	1	16	5 6	2 3
200 to 400 ..	..	120 to 240 ..	..	1	14	5 0	2 2
100 to 200 ..	..	60 to 120 ..	..	1	14	5 0	2 2
Under 100 ..	..	Under 60 ..	..	1	14	5 0	2 2
					Ft.	Ft. in.	Ft. in.
					22	5 6	2 5
				
				
				

Note.—In sailing-boats carrying the number of boats above specified, and steam-boats carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam-boats carrying the smaller of the two numbers, specified in Column 4 (see page 956), one of the boats must be a launch of the capacity specified in Column 2 (see page 956).

In sailing-boats of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in Column 1.

In sailing-boats of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam-boats, two paddle-box boats may be substituted for the boats in Column 3 (see page 956).

NUMBER and Dimensions of Boats—(continued).

Registered Tonnage.		Column 2. — To be carried by Sailing-boats and by Steam-boats when they do not carry the Boats in Column 3.				Column 3. — To be carried by Steam-boats which do not carry the Boat in Column 2.				Column 4. — Total Number of Boats.	
Sailing-boats.	Steam-boats.	Launches.				Boats.				Sailing-boats.	Steam-boats.
		No.	Length.	Breadth.	Depth.	No.	Length.	Breadth.	Depth.		
Tons.	Tons.		Ft.	Ft. in.	Ft. in.		Ft.	Ft. in.	Ft. in.		
400 and upwards	240 and upwards	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4, as the case may be.
200 to 400	120 to 240	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3, as the case may be.
100 to 200	60 to 120	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3, as the case may be.
Under 100	Under 60									1	1 or 2, as the case may be.

SIXTEENTH SCHEDULE.

Maximum Fees for Inspection of Lights and Fog Signals.

£ s. d.

For each visit made to a ship on the application of the owner and
for each visit made where the lights or fittings are found
defective 0 10 0

Provided that the aggregate amount of fees for any such
inspection shall not exceed 1*l.* whatever may be the
number of separate visits.

SEVENTEENTH SCHEDULE.

*Life-saving Appliances.**Constitution of the Committee.*

1. **THREE** ship-owners selected by the Council of the Chamber of Shipping
of the United Kingdom.

2. One ship-owner selected by the Ship-owners' Associations of Glasgow and
one ship-owner selected by the Liverpool Steam-ship Owners' Association and
the Liverpool Ship-owners' Association conjointly.

3. Two ship-builders selected by the Council of the Institution of Naval
Architects.

4. Three persons practically acquainted with the navigation of vessels
selected by the Shipmasters' Societies recognized by the Board of Trade for
this purpose.

5. Three persons being or having been able-bodied seamen selected by
Seamen's Societies recognized by the Board of Trade for this purpose.

6. Two persons selected conjointly by the Committee of Lloyd's, the Com-
mittee of Lloyd's Register Society, and the Committee of the Institute of
London Underwriters.

EIGHTEENTH SCHEDULE.

Precautions as to Grain Cargo.

1. **THERE** shall not be carried between the decks, or, if the ship has more
than two decks, between the main and upper decks, any grain in bulk, except
such as may be necessary for feeding the cargo in the hold, and is carried in
properly constructed feeders.

2. Where grain (except such as may be carried in properly constructed
feeders) is carried in bulk in any hold or compartment, and proper provision
for filling up the same by feeders is not made, not less than one-fourth of the
grain carried in the hold or compartment (as the case may be) shall be in bags
supported on suitable platforms laid upon the grain in bulk: Provided that this
regulation with respect to bags shall not apply—

(a.) To oats, or cotton seed; nor

(b.) To a ship which is a sailing-ship of less than 400 tons registered
tonnage, and is not engaged in the Atlantic trade; nor

(c.) To a ship laden at a port in the Mediterranean ship is divided into compartments which are formed by partitions, and are fitted with longitudinal bulkheads or so hereinafter mentioned, and if the ship does not carry more than 1,500 quarters of the grain cargo, and not more than 1,500 quarters in any one division, and provided that each division of the lower deck is properly constructed feeders from the between decks; nor

(d.) To a ship in which the grain cargo does not exceed the whole cargo of the ship, and the rest of the cargo consists of barrels or sacks of flour, or other suitable cargo so stored that grain in any compartment, bin, or division from shifting.

3. Where grain is carried in the hold or between the decks in bags or bulk, the hold or the space between the decks is separated by longitudinal bulkhead or by sufficient shifting boards which are to deck or from the deck to the keelson and are properly secured so that grain is in bulk are fitted grain-tight with proper fillings

4. In loading the grain shall be properly stowed, trimmed

NINETEENTH SCHEDULE.

PART I.

Statements in the Case of Salvage by Her Majesty's Ships.

1. PARTICULARS to be stated both by the salvor and the person in charge of the vessel, cargo, or property saved:—

(a.) The place, condition, and circumstances in which the property was at the time when the services were rendered and claimed;

(b.) The nature and duration of the services rendered.

2. Additional particulars to be stated by the salvor:—

(a.) The proportion of the value of the vessel, cargo, and the freight which he claims for salvage, or the values at which the vessel, freight, cargo, and property respectively, and the value he claims for salvage in respect of the same;

(b.) Any other circumstances which he thinks relevant.

3. Additional particulars to be stated by the said master or person in charge of the said vessel, cargo, or property:—

(a.) A copy of the certificate of registry of the vessel, and the indorsements thereon, stating any change which (to his knowledge) has occurred in the particulars contained in the certificate, the best of his knowledge and belief, the state of the title at the time being, and of the incumbrances and certificates of mortgage affecting the same, and the names and places of business of the incumbrancers;

(b.) The name and place of business or residence of the owner of the said vessel, and the freight to be paid for the services then is;

(c.) A general account of the quantity and nature of the property, and the salvage services were rendered;

(d.) The name and place of business or residence of the owner of the cargo and of the consignee thereof;

(e.) The values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest;

(f.) The amounts which the master thinks should be paid as salvage for the services rendered;

(g.) An accurate list of the property saved in cases where the vessel is not saved;

(h.) An account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made;

(i.) The number, capacities, and condition of the crew of the vessel at the time when the services were rendered; and

(k.) Any other circumstances he thinks relevant to the matters in question.

PART II.

Salvage Bond.

[*N.B.*—Any of the particulars not known, or not required, by reason of the claim being only against the cargo, &c., may be omitted.]

WHEREAS certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant-vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the name of the freighter*], and to the cargo therein, consisting of [*state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees*];

And whereas the said vessel and cargo have been brought into the port of [*insert name and situation of port*], and a statement of the salvage claim has been sent to [*insert the name of the Consular officer or Judge of the Colonial Court of Admiralty or Vice-Admiralty Court and of the office he fills*], and he has fixed the amount to be inserted in this bond at the sum of [*state the sum*];

Now I, the said [*master's name*], do hereby, in pursuance of "The Merchant Shipping Act, 1894," bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [*state the sum fixed*], in such proportions and to such persons as [*if the parties agree on any other Court, substitute the name of it here*], the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [*insert the date*] day of

Signed, sealed, and delivered by the said [*master's name*].

(L.S.)

In the presence of [*name of Consular officer or Judge of the Colonial Court of Admiralty or Vice-Admiralty Court, and of the office he fills.*]

TWENTIETH SCHEDULE.

Maximum Fees and Remuneration of Receiver.

For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, not exceeding

But so that in no case shall a larger fee than 2*l.* be payable for examinations taken in respect of the same vessel, and the same occurrence, whatever may be the number of the deponents.

For every report required to be sent by the receiver to the Lloyd's in London, the sum of

For wreck taken by the receiver into his custody, a percentage of 5 per cent. upon the value thereof.

But so that in no case shall the whole amount of fees payable exceed 20*l.*

In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of other articles belonging thereto, the following fees in percentage, that is to say:

If that vessel with her cargo equals or exceeds 600*l.*, the sum of 2*l.* for the first, and the sum of 1*l.* for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than 600*l.*, one moiety of the above-mentioned sum.

From—	To—	7 Feet and Under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.	13 Feet.	14 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoveley Bay, and <i>vice versa</i> .	Nore Warps	3 13 6	4 2 9	4 12 0	5 1 3	5 5 9	6 5 0	6 13 6	7 7 3
	Gravesend, Chatham, Standgate Creek, or Blackstake	4 12 0	5 7 9	6 3 3	6 18 0	7 11 9	8 5 6	8 19 6	9 13 3
	Long Reach	4 16 6	5 12 3	6 8 0	7 2 6	7 18 3	8 14 9	9 8 6	10 0 0
	Woolwich or Blackwall	5 5 9	6 1 6	6 17 0	7 11 9	8 10 3	9 4 0	10 2 6	11 0 9
The Nore or Warps, and <i>vice versa</i> .	Moorings or London Docks	5 16 0	6 9 9	7 3 6	7 17 3	8 19 6	9 13 3	10 11 6	11 10 0
	Gravesend, Standgate Creek, or Blackstake	1 18 9	2 3 3	2 7 0	2 10 6	2 19 9	3 6 3	3 11 9	3 15 6
	Long Reach or Chatham	2 6 0	2 10 6	2 15 3	2 19 9	3 9 0	3 18 3	4 2 9	4 7 0
	Woolwich or Blackwall	2 15 3	3 1 9	3 8 0	3 13 6	4 2 9	4 10 3	4 19 0	5 8 6
Gravesend Reach, and <i>vice versa</i> .	Moorings or London Docks	3 4 6	3 10 9	3 17 3	4 2 9	4 16 6	5 5 9	5 15 0	6 4 3
	Long Reach	0 9 3	0 14 9	1 0 3	1 5 3	1 10 0	1 14 6	1 19 0	2 3 9
	Woolwich or Blackwall	1 3 0	1 7 6	1 12 3	1 16 9	2 4 3	2 13 6	3 2 6	3 11 9
	Moorings or London Docks	1 7 6	1 14 0	2 0 6	2 6 0	2 15 3	3 4 6	3 13 6	4 2 9
Long Reach, and <i>vice versa</i> .	Sheerness, Standgate Creek, or Blackstake	2 15 3	2 19 0	3 1 9	3 4 6	3 13 6	4 2 9	4 12 0	5 1 3
	Chatham	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0	5 1 3	5 10 6
	Woolwich or Blackwall	0 18 6	1 2 0	1 4 9	1 7 6	1 16 9	2 6 0	2 15 3	3 4 6
	Moorings or London Docks	1 7 6	1 11 3	1 14 0	1 16 9	2 6 0	2 15 3	3 4 6	3 13 6
Woolwich or Blackwall, and <i>vice versa</i> .	Sheerness, Standgate Creek, or Blackstake	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0	5 1 3	5 10 6
	Chatham	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3	5 10 6	5 19 6
	Moorings or London Docks	0 18 6	1 2 0	1 4 9	1 7 6	1 10 0	1 12 3	1 16 9	2 1 6
	Sheerness, Standgate Creek, or Blackstake	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3	5 10 6	5 19 6
	Chatham	4 2 9	4 6 6	4 9 3	4 12 0	5 1 3	5 10 6	5 19 6	6 8 9

Outwards.

From—	To —	15 Feet.		16 Feet.		17 Feet.		18 Feet.		19 Feet.		20 Feet.		21 Feet.		22 Feet.		23 Feet and Upwards.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
The Sea, Orfordness, the Downs, Hoveley Bay, and <i>vice versa</i> ..	Nore Warps ..	7 16 6	8 14 9	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 3 9	25 2 3	26 13 6	27 12 0	28 11 3	29 8 0	30 5 0	31 2 3	32 0 0	
	Gravesend, Chatham, Standgate Creek, or Blackstakes ..	10 16 3	11 10 0	13 3 6	14 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6	27 12 0	28 11 3	29 8 0	30 5 0	31 2 3	32 0 0	33 0 0	
	Long Reach ..	11 14 6	12 8 6	14 3 6	15 9 0	17 0 6	18 11 9	20 10 3	21 5 0	22 1 6	23 3 9	24 16 9	25 2 3	26 13 6	27 12 0	28 11 3	29 8 0	30 5 0	
	Woolwich or Blackwall. Moorings or London	12 8 6	13 2 3	14 14 6	15 9 0	17 0 6	18 11 9	20 10 3	21 5 0	22 1 6	23 3 9	24 16 9	25 2 3	26 13 6	27 12 0	28 11 3	29 8 0	30 5 0	
	Docks ..	4 2 9	5 5 0	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	
The Nore or Warps, and <i>vice versa</i> ..	Gravesend, Standgate Creek, or Blackstakes	4 13 9	5 5 0	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	
	Long Reach or Chatham	5 16 0	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	21 2 3	
	Woolwich or Blackwall. Moorings or London	6 13 6	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	21 2 3	22 0 0	
	Docks ..	2 8 3	3 18 3	4 5 6	5 10 6	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	
	Long Reach ..	3 18 3	4 5 6	5 10 6	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	
Gravesend Reach, and <i>vice versa</i> ..	Woolwich or Blackwall. Moorings or London	4 12 0	5 1 3	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	
	Docks ..	5 10 6	6 8 9	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	21 2 3	
	Sheerness, Standgate Creek, or Blackstakes	5 19 6	6 8 9	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	21 2 3	
	Chatham ..	5 19 6	6 8 9	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	20 5 0	21 2 3	
	Woolwich or Blackwall. Moorings or London	3 13 6	4 2 9	5 10 6	6 4 3	7 2 6	8 1 0	9 4 0	10 10 3	11 11 9	12 11 3	13 16 0	14 12 0	15 11 9	16 11 3	17 11 9	18 11 3	19 8 0	

Inwards.

From—	To—	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet.	12 Feet.	13 Feet.	14 Feet.	15 Feet.
3 The Downs.. 2	Nore, Sheerness, Standgate Creek, Gravesend..	£ s. d. 5 5 0	£ s. d. 7 17 6	£ s. d. 8 13 3	£ s. d. 9 9 0	£ s. d. 10 4 9	£ s. d. 11 0 6	£ s. d. 11 16 3
	Long Reach..	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0	11 18 10	12 18 3
	Blackwall or London	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6	12 17 3	14 0 4
Standgate Creek ..	Gravesend ..	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3	6 1 3	6 12 3

Note 1.—Foreign ships are to pay one-fourth more than British ships, except when privileged to enter the ports of the United Kingdom upon paying the same duties of tonnage as are paid by British ships, in which cases such ships are to pay the same rates of pilotage only as are payable by British ships.

Note 2.—For half a foot exceeding the above draughts of water, the medium price between the two limits. For intermediate distances a proportionate rate.

Inwards.

From—	To—	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs ..	Nore, Sheerness, Standgate Creek, Gravesend..	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
	Long Reach ..	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
	Blackwall or London ..	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	..	..
Standgate Creek ..	Gravesend ..	7 3 3	7 14 4	8 5 4	8 16 4	9 7 4	..	..	..

For putting a Pilot on Board, and for Pilotage of Ships to the Anchorage to the Downs.*	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and Upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkestone; the Church bearing N.N.W. by compass	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkestone to the South Foreland, the lights in one	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

* When the pilot is put on board by a boat from the shore, one-seventh to the pilot, and the remaining six-sevenths to the boat and crew.

In the River Thames above Gravesend.	£ s. d.	£ s. d.
For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow-line	2 2 0	2 2 0
Ditto, ditto, 2 cwt.	1 1 0	1 1 0
Ditto, ditto, under 2 cwt.	0 15 0	0 15 0

Per trip for the whole distance from Gravesend to London and in proportion for any part of that distance.

And for each man's service in those boats, 8s. per tide.

For removing a ship from moorings into a dry or wet dock—	£ s. d.
For a ship under 200 tons	0 15 0
For a ship 200 to 300 tons	1 1 0
For a ship 300 to 600 tons	1 11 6
For a ship 600 to 1,000 tons	2 2 0
For a ship above 1,000 tons	2 2 0

TWENTY-SECOND SCHEDULE.

Repeal.

Session and Chapter.	Short Title.	Extent of Repeal.
17 Ed. II, Stat. 2, c. 11, (Prerog. Reg. Stat. temp. incert., c. 13, in Rev. Edition)	Prerogativa Regis	The words "wreck of the sea."
4 Geo. IV, c. 80 ..	An Act to consolidate and amend the several Laws now in force with re- spect to trade within the limits of the Charter of the East India Company, and to make further provision with respect to such trade.	Sections 27 and 28, from "and for every omis- sion" to "herein is required" and the word "omission" after "non- observance," and sec- tion 34.
15 & 16 Vict., c. 26*..	The Foreign Deserters Act, 1852.	The whole Act.
16 & 17 Vict., c. 84†..	An Act to amend the Passengers Act, 1852, so far as relates to the passages of natives of Asia or Africa, and also passages between the Island of Ceylon and certain parts of the East Indies.	The whole Act.
17 & 18 Vict., c. 104‡.	The Merchant Shipping Act, 1854.	The whole Act.
17 & 18 Vict., c. 120§.	The Merchant Shipping Repeal Act, 1854.	Section 16.
18 & 19 Vict., c. 91||..	The Merchant Shipping Act (Amendment) Act, 1855.	The whole Act.
18 & 19 Vict., c. 119¶	The Passengers Act, 1855.	The whole Act.
19 & 20 Vict., c. 41 ..	The Seamen's Savings Bank Act, 1856.	The whole Act.
24 & 25 Vict., c. 10**.	The Admiralty Court Act, 1861.	Sections 9, 12, and 24.
24 & 25 Vict., c. 52††.	The Australian Passengers Act, 1861.	The whole Act.
25 & 26 Vict., c. 63‡‡.	The Merchant Shipping Amendment Act, 1862.	The whole Act.
26 & 27 Vict., c. 51 ..	The Passengers Act Amendment Act, 1863.	The whole Act.
30 & 31 Vict., c. 114..	The Court of Admiralty (Ireland) Act, 1867.	Sections 35 and 45.

* Vol. XLI, page 680.

† See "Hertslet's Treaties," Vol. 9, page 411.

‡ Vol. XLV, page 1347.

§ Vol. XLV, page 1571.

|| Vol. LXVI, page 676.

¶ See "Hertslet's Treaties," Vol. 10, page 348.

** See "Hertslet's Treaties," Vol. 11, page 268.

† See "Hertslet's Treaties," Vol. 11, page 777.

‡‡ Vol. LXVI, page 682.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict., c. 124*	The Merchant Shipping Act, 1867.	The whole Act, except section 1 as far as "Act, 1867," and section 12.
31 & 32 Vict., c. 45†..	The Sea Fisheries Act, 1868.	Sections 22 to 24.
31 & 32 Vict., c. 129‡.	The Colonial Shipping Act, 1868.	The whole Act.
32 & 33 Vict., c. 11§..	The Merchant Shipping (Colonial) Act, 1869.	The whole Act.
33 & 34 Vict., c. 95 ..	The Passengers Act (Amendment) Act, 1870.	The whole Act.
34 & 35 Vict., c. 110||.	The Merchant Shipping Act, 1871.	The whole Act.
35 & 36 Vict., c. 73¶ .	The Merchant Shipping Act, 1872.	The whole Act, except sections 1, 10, and 17.
36 & 37 Vict., c. 85**.	The Merchant Shipping Act, 1873.	The whole Act.
37 & 38 Vict., c. 88††.	The Births and Deaths Registration Act, 1874.	Section 37, except subsection 6, and except so far as the section relates to Her Majesty's ships.
38 & 39 Vict., c. 17 ..	The Explosives Act, 1875.	Section 42.
39 & 40 Vict., c. 27 ..	The Local Light Dues Reduction Act, 1876.	The whole Act
39 & 40 Vict., c. 80‡‡.	The Merchant Shipping Act, 1876.	The whole Act.
40 & 41 Vict., c. 16 ..	The Removal of Wreck Act, 1877.	The whole Act.
42 & 43 Vict., c. 72§§.	The Shipping Casualties Investigation Act, 1879.	The whole Act.
43 & 44 Vict., c. 10||||.	The Merchant Seamen Payment of Wages and Rating Act, 1880.	The whole Act, except the first paragraph of section 1 and section 11.
43 & 44 Vict., c. 18¶¶.	The Merchant Shipping Act (1854) Amendment Act, 1880.	The whole Act.
43 & 44 Vict., c. 22¶¶.	The Merchant Shipping (Fees and Expenses) Act, 1880.	Sections 2, 5, 6, and 7.
43 & 44 Vict., c. 43***.	The Merchant Shipping (Carriage of Grain) Act, 1880.	The whole Act.
45 & 46 Vict., c. 55†††.	The Merchant Shipping (Expenses) Act, 1882.	The whole Act, except the first paragraph of section 1 and section 8.

* Vol. LXVI, page 711.

† Vol. LX, page 1283.

‡ See "Hertslet's Treaties," Vol. 12, page 1107.

§ Vol. LXVI, page 959.

|| Vol. LXVI, page 716.

¶ Vol. LXVI, page 720.

** Vol. LXV, page 594.

†† See "Hertslet's Treaties," Vol. 14, page 729.

‡‡ Vol. LXVII, page 751.

§§ See "Hertslet's Treaties," Vol. 15, page 621.

|||| Vol. LXXI, page 269.

¶¶ See "Hertslet's Treaties," Vol. 15, page 628.

*** See "Hertslet's Treaties," Vol. 15, page 629.

††† See "Hertslet's Treaties," Vol. 15, page 655.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict., c. 76*..	The Merchant Shipping (Colonial Inquiries) Act, 1882.	The whole Act.
46 & 47 Vict., c. 22†..	The Sea Fisheries Act, 1883.	Section 8.
46 & 47 Vict., c. 41‡..	The Merchant Shipping (Fishing Boats) Act, 1883.	The whole Act.
49 & 50 Vict., c. 38 ..	The Riot (Damages) Act, 1886.	In section 6, paragraph (a), and the words "plundering, damage," before "injury;" and from "and as if" to the end of the section.
50 & 51 Vict., c. 4§ ..	The Merchant Shipping (Fishing Boats) Act, 1887.	The whole Act.
50 & 51 Vict., c. 62||..	The Merchant Shipping (Miscellaneous) Act, 1887.	The whole Act.
51 & 52 Vict., c. 24 .	The Merchant Shipping (Life Saving Appliances) Act, 1888.	The whole Act.
52 & 53 Vict., c. 5 ..	The Removal of Wrecks Act, 1877, Amendment Act, 1889.	The whole Act.
52 & 53 Vict., c. 29¶ ..	The Passenger Acts Amendment Act, 1889.	The whole Act.
52 & 53 Vict., c. 43**.	The Merchant Shipping (Tonnage) Act, 1889.	The whole Act.
52 & 53 Vict., c. 46††.	The Merchant Shipping Act, 1889.	The whole Act.
52 & 53 Vict., c. 68‡‡.	The Merchant Shipping (Pilotage) Act, 1889.	The whole Act.
52 & 53 Vict., c. 73§§.	The Merchant Shipping (Colours) Act, 1889.	The whole Act.
53 & 54 Vict., c. 9||| .	The Merchant Shipping Act, 1890.	The whole Act.
55 & 56 Vict., c. 37¶¶	The Merchant Shipping Act, 1892.	The whole Act.

* See "Hertale's Treaties," Vol. 15, page 657.

† Vol. LXXIV, page 199.

‡ See "Hertale's Treaties," Vol. 17, page 454.

§ See "Hertale's Treaties," Vol. 17, page 582.

|| See "Hertale's Treaties," Vol. 17, page 596.

¶ See "Hertale's Treaties," Vol. 18, page 504.

** Vol. LXXXI, page 642.

†† See "Hertale's Treaties," Vol. 18, page 515.

‡‡ Vol. LXXXI, page 648.

§§ See "Hertale's Treaties," Vol. 18, page 525.

||| Vol. LXXXII, page 666.

¶¶ Vol. LXXXIV, page 699.

*ACT of Congress of the United States, to amend an Act entitled
"An Act to prohibit the coming of Chinese Persons into the
United States," approved May 5, 1892.**

[Chap. 14.]

[November 3, 1893.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that section 6 of an Act entitled "An Act to prohibit the coming of Chinese persons into the United States," approved the 5th May, 1892,* is hereby amended so as to read as follows:—

"§ 6. And it shall be the duty of all Chinese labourers within the limits of the United States who were entitled to remain in the United States before the passage of the Act to which this is an amendment to apply to the Collector of Internal Revenue of their respective districts within six months after the passage of this Act for a certificate of residence; and any Chinese labourer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this Act and the Act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States' Customs official, Collector of Internal Revenue or his deputies, United States' Marshal or his deputies, and taken before a United States' Judge, whose duty it shall be to order that he be deported from the United States, as provided in this Act and in the Act to which this is an amendment, unless he shall establish clearly to the satisfaction of said Judge that, by reason of accident, sickness, or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of said United States' Judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the 5th May, 1892; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained, and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the costs of said arrest and trial shall be in the discretion of the Court; and any Chinese person, other than a Chinese labourer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section 6 of said

Act of the 5th May, 1892, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued : " Provided that no Chinese person heretofore convicted in any Court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this Act ; but all such persons who are now subject to deportation for failure or refusal to comply with the Act to which this is an amendment shall be deported from the United States as in said Act and in this Act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

§ 2. The words " labourer " or " labourers " wherever used in this Act, or in the Act to which this is an amendment, shall be construed to mean both skilled and unskilled manual labourers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term " merchant," as employed herein and in the Acts of which this is amendatory, shall have the following meaning and none other : A merchant is a person engaged in buying and selling merchandize at a fixed place of business, which business is conducted in his name, and who, during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labour, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish, by the testimony of two credible witnesses other than Chinese, the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labour, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

Such order of deportation shall be executed by the United States Marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch ; and pending the execution of such order such Chinese person shall remain in the custody of the United States' Marshal, and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence, and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States' Collector of Internal Revenue of the district in which such Chinaman makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

Approved November 3, 1893.

DISCOURS d'Ouverture de la Nouvelle Session des États-Généraux des Pays-Bas.—La Haye, le 16 Mai, 1894.

(Traduction.)

MESSIEURS,

SA Majesté la Reine Régente du Royaume nous a chargés d'ouvrir, au nom de Sa Majesté la Reine, la nouvelle session des États-Généraux.

Le résultat des dernières élections générales pour la Seconde Chambre des États-Généraux, qui avaient été jugées nécessaires pour obtenir une solution satisfaisante du problème électoral, a amené le Cabinet précédent à donner sa démission, et le Ministère qui lui succède a été appelé à prendre en mains le pouvoir à la suite d'un appel aux électeurs, motivé par une question politique bien définie.

La tâche qui incombe à la nouvelle administration comprend tout d'abord la réforme électorale.

La solution à intervenir doit, pour satisfaire aux aspirations légitimes, être conçue dans un esprit large, et elle devra également, d'après l'avis du Gouvernement, régler en même temps les attributions électorales pour les États-Généraux, les États Provinciaux, et les Conseils Communaux.

Une révision de l'impôt sur le personnel, préconisée depuis longtemps déjà, s'impose encore plus depuis la mise en vigueur de la nouvelle loi établissant un impôt sur les revenus industriels et autres.

Une nouvelle organisation des rapports entre les finances de l'État et des Communes, à établir en connexité avec une modification du régime actuel des taxes et impositions municipales, constitue également une des questions qui s'imposent à notre sollicitude et dont la solution ne saurait être différée.

Le Gouvernement s'appliquera tout spécialement à cette tâche des plus importantes, quoique limitée ; d'autres Projets de Loi seront étudiés et déposés au fur et à mesure que l'intérêt du pays l'exigera, mais il sera tenu compte de la nécessité de ne pas entraver la solution des questions à régler en premier lieu.

Puissent, avec la bénédiction de Dieu, nos travaux contribuer à la prospérité de notre patrie.

En vertu de l'autorisation de Sa Majesté la Reine Régente du Royaume, nous déclarons, au nom de Sa Majesté la Reine, ouverte cette session des États-Généraux.

SPEECH of the Queen-Regent of the Netherlands, on Opening the Session of the States-General.—The Hague, September 18, 1894.

(Traduction.)

MESSIEURS,

IL m'est agréable de me retrouver au milieu des représentants du peuple Néerlandais au moment de la reprise de leurs importants travaux.

C'est avec un sentiment de gratitude que je puis déclarer que la situation du pays est satisfaisante à beaucoup d'égards.

Les relations avec toutes les Puissances étrangères sont des plus amicales ; les différends existant depuis l'année 1875 entre les Pays-Bas et les États Unis de Vénézuéla ont, à ma satisfaction, été heureusement aplanis.

Les armées de terre et de mer continuent, tant ici que dans les colonies, à s'acquitter de leur tâche d'une manière digne d'éloges. Je regrette profondément les pertes sensibles qu'ont éprouvées nos forces aux Indes Néerlandaises. J'ai la conviction que l'honneur de nos armes sera énergiquement maintenu à Lombok, malgré le revers qu'elles y ont éprouvé.

L'état sanitaire général est satisfaisant, et le pays a été préservé d'une propagation sérieuse du choléra Asiatique.

Les prévisions favorables que l'état des récoltes sur pied avait fait naître au commencement de l'été ne se sont, à mon regret, pas réalisées dans plusieurs parties du pays par suite des pluies incessantes qui ont causé de grands dégâts.

Bien que le bétail ait été préservé d'épizooties graves, la stomatite phlegmoseuse a amené les États limitrophes à interdire l'entrée de notre bétail sur leur territoire.

La situation générale du commerce et de l'industrie est du reste assez satisfaisante.

Des travaux d'une haute importance vous attendent, Messieurs.

Des Projets de Loi concernant le droit électoral et ayant pour objet de réviser l'impôt sur la contribution personnelle seront soumis à votre appréciation dans le cours de cette session, tandis que les études préparatoires pour une nouvelle réglementation des finances communales seront continuées.

La Conférence de droit international privé qui, sur mon invita-

tion, s'est réunie de nouveau à La Haye cette année aura, à ce que j'ai lieu d'attendre, pour conséquence la signature des Conventions qui devront être soumises à votre approbation.

Des Projets de Loi ayant pour objet l'adoption d'un Code Militaire et d'une loi sur la discipline militaire réclameront votre attention; des propositions tendant à compléter ou à modifier la législation actuelle sur différentes matières de droit commercial et de procédure criminelle seront également soumises à vos délibérations.

Des Projets de Loi concernant l'enseignement agricole et horticole et tendant à régler la question des subsides à accorder aux écoles d'instruction moyenne pour jeunes filles sont à l'étude.

Vous serez mis à même d'augmenter les forces de la défense nationale par le renouvellement partiel du matériel de la flotte, par l'amélioration de l'armement des forces de terre et de mer et par l'institution d'un système de réappel sous les drapeaux des troupes de marine. En outre, des Projets de Loi concernant l'avancement des officiers de l'armée, sur l'état de guerre et de siège, et sur la défense du territoire au moyen d'inondations militaires vous seront soumis.

Il vous sera également adressé des propositions tendant à augmenter les ressources provenant des impôts existant déjà, et révisant les règles en vigueur pour la fixation de la quotité imposable des propriétés bâties.

Des Projets de Loi sont en voie de préparation ayant pour objet de créer des Chambres Syndicales de Travail, de réviser les dispositions relatives à la surveillance à exercer sur la construction de fabriques et ateliers dans l'intérêt des travailleurs, et en vue de leur procurer la possibilité d'acquérir des rentes viagères garanties par l'État. L'assurance obligatoire des ouvriers par leurs patrons contre les suites d'accidents est en voie d'élaboration.

La situation générale dans nos Colonies est satisfaisante. Il sera fait appel à votre concours pour obtenir une augmentation durable des recettes au moyen d'une élévation du tarif des droits d'entrée et de sortie aux Indes Néerlandaises, ainsi que par rapport aux mesures à prendre pour augmenter la prospérité dans la Colonie de Suriname.

J'en appelle à nouveau avec confiance, Messieurs, à votre dévouement à la tâche importante et difficile qui vous incombe.

Puissent vos travaux, avec la bénédiction de Dieu, contribuer au bien-être de notre patrie bien aimée.

Au nom de la Reine, je déclare ouverte la session ordinaire des États-Généraux.

CONVENTION entre la République Française et l'Allemagne, pour la Délimitation des Colonies du Congo Français et du Cameroun et des Sphères d'Influence Française et Allemande dans la Région du Lac Tchad.—Signée à Berlin, le 15 Mars, 1894.

[Ratifications échangées à Paris, le 10 Août, 1894.]

Le Gouvernement de la République Française et le Gouvernement de Sa Majesté l'Empereur d'Allemagne, ayant résolu, dans un esprit de bonne entente mutuelle, de donner force et vigueur à l'accord préparé par leurs Délégués respectifs pour la délimitation des Colonies du Congo Français et du Cameroun, et pour la détermination des sphères d'influence Française et Allemande dans la Région du Lac Tchad, les Soussignés :

M. Jules Herbette, Ambassadeur Extraordinaire et Plénipotentiaire de la République Française auprès de Sa Majesté l'Empereur d'Allemagne ; et

Le Baron de Marschall, Secrétaire d'État des Affaires Étrangères de l'Empire d'Allemagne ;

Dûment autorisés à cet effet, confirment le Protocole (avec ses annexes) dressé à Berlin, le 4 Février dernier, et dont la teneur suit :—

PROTOCOLE.

Les Soussignés,

Jacques Haussmann, Chef de Division au Sous-Secrétariat d'État des Colonies ;

Parfait Louis Monteil, Chef de Bataillon d'Infanterie de Marine ;

Docteur Paul Kayser, Conseiller Privé Actuel de Légation dirigeant les Affaires Coloniales au Département des Affaires Étrangères ;

Docteur Alexandre Baron de Danckelman, Professeur ;

Délégués par le Gouvernement de la République Française et par le Gouvernement de l'Empire Allemand à l'effet de préparer un accord destiné à régler les questions pendantes entre la France et l'Allemagne dans la région comprise entre les Colonies du Congo Français et du Cameroun, et à établir la ligne de démarcation des zones d'influence respectives des deux pays dans la région du Lac Tchad, sont convenus des dispositions suivantes :—

ART. I. La frontière entre la Colonie du Congo Français et la Colonie du Cameroun suivra, à partir de l'intersection du parallèle formant la frontière avec le méridien 12° 40' Paris (15° Greenwich),

le dit méridien jusqu'à sa rencontre avec la Rivière Ngoko, le Ngoko jusqu'à sa rencontre avec le parallèle 2°;* de là, en se dirigeant vers l'est, ce parallèle jusqu'à sa rencontre avec la Rivière Sangha. Elle suivra ensuite, en remontant vers le nord, sur une longueur de 30 kilom., la Rivière Sangha; du point qui sera ainsi déterminé sur la rive droite de la Sangha, une ligne droite aboutissant, sur le parallèle de Bania, à 62 minutes à l'ouest de Bania; de ce point, une ligne droite aboutissant, sur le parallèle de Gaza, à 43 minutes à l'ouest de Gaza.

De là, la frontière se dirigera en ligne droite vers Koundé, laissant Koundé à l'est avec une banlieue déterminée à l'ouest par un arc de cercle d'un rayon de 5 kilom., partant, au sud, du point où il sera coupé par la ligne allant à Koundé et finissant, au nord, à son intersection avec le méridien de Koundé; de là, la frontière suivra la parallèle de ce point, jusqu'à sa rencontre avec le méridien 12° 40' Paris (15° Greenwich).†

Le tracé suivra ensuite le méridien 12° 40' Paris (15° Greenwich) jusqu'à sa rencontre avec le parallèle 8° 30', puis une ligne droite aboutissant à Lamé, en laissant une banlieue de 5 kilom. à l'ouest de ce point.

De Lamé, une ligne droite aboutissant sur la rive gauche du Mayo-Kebbi, à hauteur de Bifara.‡ Du point d'accès à la rive gauche du Mayo-Kebbi, la frontière traversera la rivière et remontera en ligne droite vers le nord, laissant Bifara à l'est, jusqu'à la rencontre du 10° parallèle. Elle suivra ce parallèle jusqu'à sa rencontre avec le Chari,§ enfin le cours du Chari jusqu'au Lac Tchad.§

II. Le Gouvernement Français et le Gouvernement Allemand prennent l'engagement réciproque de n'exercer aucune action politique dans les sphères d'influence qu'ils se reconnaissent par la ligne de démarcation déterminée à l'Article précédent. Il est convenu par là que chacune des deux Puissances s'interdit de faire des acquisitions territoriales, de conclure des Traités, d'accepter des droits de souveraineté ou de protectorat, de gêner ou de contester l'influence de l'autre Puissance dans la zone qui lui est réservée.

III. L'Allemagne, en ce qui concerne la partie des eaux de la Benoué et de ses affluents comprise dans sa sphère d'influence, la France en ce qui concerne la partie du Mayo-Kebbi et des autres affluents de la Benoué comprise dans sa sphère d'influence, se reconnaissent respectivement tenues d'appliquer et de faire respecter les dispositions relatives à la liberté de navigation et de commerce énumérées dans les Articles XXVI, XXVII, XXVIII, XXIX,

* Voir Annexe, paragraphe 2.

† Voir Annexe, paragraphe 3.

‡ Voir Annexe, paragraphe 4.

§ Voir Annexe, paragraphe 5.

XXXI, XXXII, XXXIII de l'Acte de Berlin du 26 Février, 1885,*
 e même que les clauses de l'Acte de Bruxelles relatives à l'importation des armes et des spiritueux.†

La France et l'Allemagne s'assurent respectivement le bénéfice de ces mêmes dispositions en ce qui concerne la navigation du Chari, du Logone, et de leurs affluents, et l'importation des armes et des spiritueux dans les bassins de ces rivières.

IV. Dans les territoires de leurs zones d'influence respectives, compris dans les bassins de la Benoué et de ses affluents, du Chari, du Logone et de leurs affluents, de même que dans les territoires situés au sud et au sud-est du Lac Tchad, les commerçants ou les voyageurs des deux pays seront traités sur le pied d'une parfaite égalité en ce qui concerne l'usage des routes ou autres voies de communication terrestre. Dans ces mêmes territoires les nationaux des deux pays seront soumis aux mêmes règles et jouiront des mêmes avantages au point de vue des acquisitions et installations nécessaires à l'exercice et au développement de leur commerce et de leur industrie.

Sont exclues de ces dispositions les routes et voies terrestres de communication des bassins côtiers de la Colonie du Cameroun ou des bassins côtiers de la Colonie du Congo Français non compris dans le bassin conventionnel du Congo tel qu'il a été défini par l'Acte de Berlin.

Ces dispositions, toutefois, s'appliquent à la route Yola, Ngaouéré, Koundé, Gaza, Bania, et *vice versa*, telle qu'elle est repérée sur la carte annexée au présent Protocole, alors même qu'elle serait coupée par des affluents des bassins côtiers.

Les tarifs des taxes ou droits qui pourront être établis de part et d'autre ne comporteront, à l'égard des commerçants des deux pays, aucun traitement différentiel.

V. En foi de quoi les Délégués ont dressé le présent Protocole et y ont apposé leurs signatures.

Fait à Berlin, en double expédition, le 4 Février, 1894.

Les Délégués Français,

HAUSSMANN.

MONTEIL.

Les Délégués Allemands,

KATSER.

DANCKELMAN.

* Vol. LXXVI, page 4.

† July 2, 1890. Vol. LXXXII, page 55.

ANNEXE.

§ 1. LA ligne de démarcation des sphères d'influence respectives des deux Puissances Contractantes, telle qu'elle est décrite à l'Article I du Protocole du même jour, sera conforme au tracé porté sur la carte annexée au présent Protocole, qui a été établie d'après les données géographiques actuellement connues et admises de part et d'autre.

§ 2. Dans le cas où la Rivière Ngoko, à partir de son intersection avec le méridien 12° 40' Paris (15° Greenwich), ne couperait pas le 2° parallèle, la frontière suivrait le Ngoko sur une longueur de 35 kilom. à l'est de son intersection avec le méridien 12° 40' Paris (15° Greenwich); à partir du point ainsi déterminé à l'est, elle rejoindrait par une ligne droite l'intersection du 2° parallèle avec la Sangha.

§ 3. S'il venait à être démontré à la suite d'observations nouvelles dûment vérifiées que les positions de Bania, de Gaza, ou de Koundé sont erronées, et que, par suite, la frontière, telle qu'elle est définie par le présent Protocole, se trouve reportée, au regard de l'un de ces trois points, d'une distance supérieure à 10 minutes de degré à l'ouest du méridien 12° 40' Paris (15° Greenwich), les deux Gouvernements se mettraient d'accord pour procéder à une rectification du tracé, de manière à établir une compensation équivalente au profit de l'Allemagne dans la région en question.

Une rectification du même genre interviendrait, en vue d'établir une compensation au profit de la France, s'il était démontré que l'intersection du parallèle 10° avec le Chari reporte la frontière à une distance de plus de 10 minutes à l'est du point indiqué sur la carte (longitude 14° 50' Paris, 17° 10' Greenwich).

§ 4. En ce qui concerne le point d'accès au Mayo-Kebbi, il demeure entendu que, quelle que soit la position définitivement reconnue pour ce point, la frontière laissera dans la sphère d'influence Française les villages de Bifara et de Lamé.

§ 5. Dans le cas où le Chari, depuis Goulfei jusqu'à son embouchure dans le Tchad, se diviserait en plusieurs bras, la frontière suivrait la principale branche navigable jusqu'à l'entrée dans le Tchad, avec cette réserve que, pour que ce tracé soit définitif, la différence de longitude entre le point ainsi atteint par la frontière sur la rive sud du Tchad et Kouka, capitale du Bornou, pris comme point fixe, sera un degré.

Dans le cas où des observations ultérieures, dûment vérifiées, démontreraient que l'écart en longitude entre Kouka et la dite embouchure diffère de 5 minutes de degré en plus ou en moins, de celui qui vient d'être indiqué, il y aurait lieu, par une entente amiable, de modifier le tracé de cette partie de la frontière de manière que les deux pays conservent, au point de vue de l'accès au Tchad et des territoires qui leur sont reconnus dans cette région, des avantages équivalents à ceux qui leur sont assurés par le tracé porté sur la carte annexée au présent Protocole.

§ 6. Toutes les fois que le cours d'un fleuve ou d'une rivière est indiqué comme formant la ligne de démarcation, c'est le thalweg du fleuve ou de la rivière qui est considéré comme frontière.

§ 7. Les deux Gouvernements admettent qu'il y aura lieu, dans l'avenir, de substituer progressivement aux lignes idéales qui ont servi à déterminer la frontière telle qu'elle est définie par le présent Protocole, un tracé déterminé par la configuration naturelle du terrain et jalonné par des points exacte-

reconnus, en ayant soin, dans les accords qui interviendront à cet effet, de ne pas avantager l'une des deux parties sans compensation équitable pour l'autre.

Vu pour être annexé au Protocole du 4 Février, 1894.

Les Délégués Français,
HAUSMANN.
MONTEIL.
Les Délégués Allemands,
KATSER.
DANCKELMAN.

La présente Convention sera ratifiée et les ratifications en seront échangées à Berlin dans le délai de six mois ou plus tôt si faire se peut.

Fait à Berlin, le 15 Mars, 1894, en double exemplaire.

(L.S.) JULES HERBETTE.

(L.S.) FREIHERR VON MARSCHALL.

SPEECH of the King of Sweden and Norway, on Opening the Swedish Diet.—Stockholm, January 18, 1894.

(Translation.)

GENTLEMEN,

I BID you welcome on your entering upon the duties to which the choice of your fellow-citizens has called you.

I am happy to be able to inform you that the relations of the United Kingdoms with all foreign Powers continue to be satisfactory.

The settlement of the land defences of the kingdom is proceeding in accordance with the principle laid down in the Special Diet of 1892.

The situation of our country demands, meantime, strong defences not only by land, but also by sea. In order to provide for a steadier and more consistent—and also, from an economical point of view, a more profitable—development of our materials for naval defence, I propose to you to decide upon a grant towards them for a period of five years, according to a plan which shall be laid before you.

On the 6th December last the last rail was laid of the State trunk line, which links together the most distant northern parts of Sweden with the other portions of the kingdom. A great work as regards the material development of the country is thus completed, which, planned and begun in the reign of my lamented father, afterwards continued without a break—thanks to the sacrifices of our Swedish people—has now reached its close. The last com-

structed portion of the line will, I confidently hope, be opened for general traffic in the ensuing summer.

The new Commission on Workmen's Insurance presented their proposal for workmen's pensions in the month of March. I requested the views of the proper authorities thereon, and ordered, moreover, that the several Trades Unions, &c., should be enabled to express their opinions upon the proposal. The very extensive materials towards an investigation of the subject which have thus been obtained will, therefore, take a longer time to discuss than I should have wished. However, I cordially trust that the draft measure will be brought forward in the next Diet.

The reductions of certain hitherto existing taxes and charges, as well as expenses for the necessary development of the national defences and for the repair of the highways, naturally necessitate new sources of income. In accordance with the scheme of finance already laid before you, and agreed on in principle by you, I now propose to you that the necessary moneys should be raised in part by a succession duty, in part by an increased stamp duty.

Invoking the blessing of the Almighty over your labours, I declare this Diet open, and remain, Gentlemen, yours in all Royal grace and favour.

*DISCOURS du Roi de Serbie, à l'Ouverture de la Session
Extraordinaire de la Skoupchtina Nationale.—Belgrade, le
4 Juin, 1893.*

(Traduction.)

MM. LES DÉPUTÉS,

En paraissant pour la première fois, en qualité de Roi de Serbie, devant les Représentants de mon cher peuple, j'ai hâte de vous exprimer, dans mes premières paroles, la profonde satisfaction que j'éprouve à me trouver au milieu des élus de la nation.

Ma satisfaction est d'autant plus grande qu'aujourd'hui, en vous souhaitant la bienvenue, MM. les Députés, et en ouvrant la Session de la Skoupchtina Nationale, il m'est donné de remplir un devoir sacré pour moi ; celui de prêter le serment solennel à la Constitution.

MM. les Députés,

En vous saluant, au début de vos importants travaux, je suis rempli du souvenir de cette journée historique où, devant moi, Prince Héritier, mon auguste père sanctionna de sa signature la nouvelle Constitution, destinée à ouvrir pour notre patrie une ère meilleure et plus heureuse. En donnant à la nation Serbe cette nouvelle loi

fondamentale, gage de paix intérieure, de repos et de tranquillité, gage d'amour et de concorde, mon auguste père déclara, en cette journée mémorable, qu'il était heureux d'avoir pu mener à bien, non pas pour lui, mais pour la Serbie, pour son peuple, pour l'honneur de sa maison, pour moi, son fils, la grande réforme constitutionnelle. De ce jour, j'ai reçu la mission sacrée de garder la Constitution Serbe comme une précieuse et commune acquisition des Obrénovitch et du peuple. De ce jour, j'ai compris que le devoir sacré des Obrénovitch, sur le Trône de Serbie, était, en maintenant intact l'héritage des ancêtres, de garder contre toute atteinte la Constitution et les droits constitutionnels des citoyens Serbes. Ce devoir, je l'ai rempli le 1^{er} Avril.

MM. les Députés,

L'acte du 1^{er} Avril était pour moi un devoir absolu. Je ne pouvais ni ne voulais tolérer que, pendant ma minorité, un Gouvernement qui agissait en mon nom ébranlât, dans ses fondements, la vie constitutionnelle en Serbie. Tout le temps, depuis le 9 Août dernier, depuis que s'accomplit en Serbie un changement de Gouvernement que ne dictaient pas les besoins de l'État et qui était contraire aux principes Parlementaires, j'ai suivi, d'un œil attentif, les atteintes à la Constitution et aux Lois, le relâchement dans la direction des affaires publiques, le sacrifice des intérêts supérieurs du pays uniquement au profit et dans l'intérêt d'un Gouvernement de parti qui n'avait pas la confiance de la nation. Pendant cette période, sous le Gouvernement d'une Régence qui, incomplète, pouvait seulement, aux termes de la Constitution, pourvoir aux affaires de l'État, la Skoupchtina était ajournée, puis dissoute, sans aucun égard à ce que cette Skoupchtina, de par la Constitution, avait mission précisément de compléter le Conseil de Régence, sans aucun égard encore à ce que la Serbie se trouvait en face des questions qu'on ne pouvait résoudre sans l'approbation de la Chambre et qu'on ne pouvait ajourner sans dommages pour le pays. Quand, enfin, la parole fut rendue au peuple, après toutes les irrégularités, toutes les violences d'une période électorale prolongée jusqu'à l'extrême limite, alors, et pendant les opérations électorales et dans le sein même de la représentation nationale, on employa des manœuvres sans scrupule pour étouffer la voix populaire, modifier son verdict et faire croire à une confiance que la nation ne voulait ni donner ni se laisser extorquer.

Dans notre chère patrie la Constitution n'existait plus, le 31 Mars, quand la Régence, qui ne s'était pas complétée dans le délai légal, a ouvert la Session d'une Skoupchtina qui n'avait pu constituer conformément à la Constitution. Le lendemain, je me suis hâté de mettre fin à ce régime. Ce jour là, ma Proclamation

annonçait à mon cher peuple que j'avais pris en mains le pouvoir Royal et que, de ce moment, la Constitution et les lois reentraient en pleine vigueur.

MM. les Députés,

Le peuple Serbe, de tous les points de la patrie, a salué, de son approbation enthousiaste, l'acte du 1^{er} Avril; il m'a renouvelé, à cette occasion, l'expression de son amour et de son dévouement sans bornes. En reprenant le pouvoir à la Régence, j'avais la conviction que je répondais au vœu intime de la nation. Je suis heureux de pouvoir affirmer que je ne me suis pas trompé dans mes prévisions. Le peuple Serbe a compris mes raisons et mes desseins, comme j'ai compris, moi, ses désirs et ses espérances. Le Roi et le peuple se sont rencontrés dans la mutuelle et indestructible conviction que le salut de la patrie dépend de l'application sincère de la Constitution et des lois qui déterminent, pour tous, droits et devoirs.

Approuvé par le pays, l'acte du 1^{er} Avril a été également approuvé à l'étranger. Il m'est très agréable de pouvoir vous annoncer que le changement politique opéré, ce jour en Serbie, a été partout justement apprécié comme une garantie nouvelle de paix intérieure et de progrès pour notre patrie, et, qu'à ce titre, il a été accueilli avec sympathie par les nombreux amis qui prennent intérêt aux efforts de la Serbie pour bien remplir ses devoirs d'État et sa mission civilisatrice.

Je suis tout particulièrement heureux de pouvoir déjà porter à votre connaissance que mes notifications aux augustes Souverains et Chefs d'État des Puissances étrangères ont rencontré partout un accueil très amical et très flatteur, et qu'à cette occasion j'ai reçu, de tous côtés, de précieux témoignages de sympathie pour ma personne et pour la Serbie. J'aurai constamment à cœur que la Serbie se montre digne de ces hautes sympathies, et que, élément sérieux d'ordre et de progrès dans l'Europe Orientale, elle entretienne et resserre les amitiés déjà acquises et s'en crée de nouvelles.

MM. les Députés,

Après avoir pris en mains le pouvoir Royal, en tenant le compte le plus strict des droits constitutionnels de la nation, j'ai considéré que mon premier devoir était d'appeler le peuple à élire, dans le délai légal le plus bref, avec la plus absolue liberté, la représentation nationale, pour qu'elle puisse prendre sa part aux affaires publiques.

Mon Ministère qui, répondant à mon appel, le 1^{er} Avril, m'a aidé à ramener la vie publique de la Serbie dans les voies constitutionnelles, a fidèlement exécuté mes volontés. Toutes les dispositions qui garantissent la liberté et la régularité du vote ont été scrupuleusement

leusement observées. La représentation nationale, issue des élections du 18 Mai, est en droit d'affirmer qu'elle est la sincère expression de la volonté du peuple.

En vous convoquant dans cette Session Extraordinaire, j'ai eu, avant tout, en vue la prestation de mon serment à la Constitution et le vote du Budget, actes auxquels, d'après la Constitution, on devait procéder sans retard et auxquels jusqu'à maintenant, contre ma volonté, par la force des circonstances, il n'a pas été procédé. J'ai eu également en vue d'autres travaux qui ne pouvaient être ajournés jusqu'à la Session ordinaire du mois de Novembre, sans que des dommages sensibles en résultassent pour le pays ; ce sont, en particulier, les Traités de Commerce avec l'Autriche-Hongrie et l'Allemagne.

Je les recommande à votre spéciale attention, pour leur importance capitale au point de vue de la production nationale et de nos finances.

MM. les Députés,

Avec l'aide de Dieu, notre patrie est sortie sans secousse de la situation critique et difficile où l'avait amenée un régime contraire aux volontés de la nation.

Avec la foi en des jours meilleurs—car votre Roi constitutionnel, confiant en l'aide de Dieu et en l'amour de son peuple, est prêt à consacrer tous ses efforts au bien de la nation—dévouez-vous aux travaux qui vous incombent.

Je déclare ouverte la Session Extraordinaire de la Skoupchtina Nationale, et je m'empresse de prêter immédiatement, dans cette première séance, devant la Skoupchtina, le serment à la Constitution prévu par l'Article 60.

Au moment d'accomplir cet acte sacré, je m'écrie du fond de l'âme, Vive le peuple Serbe ! Vive la Serbie libre et constitutionnelle !

ALEXANDRE.

DISCOURS du Roi de Serbie, à la Clôture de la Skoupchtina Nationale.—Belgrade, le 21 Août, 1893.

(Traduction.)

MM. LES DÉPUTÉS,

JE suis particulièrement heureux de me trouver de nouveau au sein de la représentation nationale et de vous exprimer, à la fin de

vos travaux, toute ma satisfaction Royale pour le zèle dont vous avez fait preuve.

Je vous ai convoqués en Session Extraordinaire, le lendemain du jour où j'ai pris le pouvoir Royal en mains, tout d'abord pour que l'Assemblée Nationale reçoive mon serment constitutionnel et pour qu'elle procède au vote du Budget, resté en suspens par suite des circonstances anormales que le pays a traversées antérieurement. Mais, en outre, au cours de cette Session, d'autres travaux, dont quelques-uns d'une importance capitale, vous attendaient, et je me plais à rendre hommage à l'activité que vous avez mise à les accomplir.

En premier lieu, guidés par une juste appréciation des besoins économiques et financiers du pays, vous avez approuvé les Traités de Commerce que mon Gouvernement a soumis à vos délibérations et parmi lesquels se trouve la Convention, particulièrement importante, conclue avec la Monarchie voisine, l'Autriche-Hongrie. Par cet acte vous avez assuré, pour une période de dix années, le développement économique et la consolidation financière de notre patrie.

En votant le Budget avec les crédits supplémentaires rendus nécessaires par l'accroissement naturel des besoins de l'État, en approuvant, en outre, l'emprunt destiné à consolider la dette flottante, en assurant enfin au Trésor de nouvelles sources par la création de nouveaux monopoles et la révision de l'impôt de consommation, vous avez donné, MM. les Députés, une preuve éclatante de votre patriotisme et de votre dévouement aux intérêts de l'État.

Le fait d'avoir montré, dans la solution de ces problèmes difficiles, tant de bon vouloir prouve, d'une façon indubitable, que vous prêtez, avec une entière confiance, votre concours à mon Gouvernement et que vous vous inspirez résolument du progrès de l'État et de la nation. Je vous en exprime tout particulièrement ma reconnaissance.

MM. les Députés,

Quatre mois à peine se sont écoulés depuis que j'ai arrêté, par mon acte du 1^{er} Avril, les conséquences désastreuses du 9 Août de l'an dernier. Et déjà nous pouvons envisager, avec une légitime satisfaction, les nombreux et importants résultats obtenus dans un laps de temps aussi court. Seul le régime, fondé sur le principe de la complète harmonie entre le Roi et la nation, pouvait, avec l'aide de Dieu, assurer un tel succès. Ayons confiance en la grâce Divine pour la continuation d'une œuvre commencée sous de si heureux auspices !

MM. les Députés,

En proclamant la clôture de cette Session Extraordinaire de la Skoupchtina Nationale, et en rendant à vos efforts persévérants et patriotiques la reconnaissance méritée, je vous souhaite un heureux retour dans vos foyers, et, vous adressant mes adieux, je m'écrie du fond du cœur, Vive le peuple Serbe ! Vive la Serbie libre et constitutionnelle !

ALEXANDRE.

DISCOURS du Roi de Serbie, à l'Ouverture de la Session Ordinaire de la Skoupchtina Nationale. — Belgrade, le 1^{er} Novembre, 1893.

(Traduction.)

MM. LES DÉPUTÉS,

Aux débuts des travaux de cette période législative c'est un vif plaisir pour moi que de souhaiter la bienvenue aux élus de la nation.

De nombreux travaux vous attendent et une tâche importante vous incombe, MM. les Députés, au cours de cette Session. Notre patrie, après avoir été si heureusement tirée de la crise constitutionnelle, réclame, avant tout, les services dévoués de la représentation nationale, sur le terrain du développement économique du pays et de sa consolidation financière.

J'ai le ferme espoir que l'harmonie pleinement établie entre le Roi et la nation depuis le jour où j'ai pris le pouvoir Royal en mes mains sera une fois encore la meilleure garantie de succès dans les travaux qui vous attendent, et qui auront pour objet le progrès économique et intellectuel du pays.

Au cours de cette Session mon Gouvernement vous soumettra des projets de Lois qui se rapportent principalement aux questions économiques et ceux qui dérivent des Traités conclus entre la Serbie et les Puissances étrangères. Je suis certain, par avance, que vous étudierez tous ces projets de Lois avec la plus grande attention, et que le résultat de vos délibérations répondra aux besoins et aux intérêts de l'État. Dans cet ordre d'idées j'appelle spécialement votre attention sur le projet de Budget pour l'exercice 1894, lequel, tout en faisant face aux besoins du pays, assure l'équilibre entre les recettes et les dépenses.

Il convient encore de vous signaler, tout particulièrement, le Traité de Commerce et de Navigation conclu entre la Serbie et la Russie. Comme ce Traité resserre encore davantage nos liens

d'amitié avec le puissant Empire Slave, tout en stipulant des conditions avantageuses pour le progrès économique de la Serbie, je suis convaincu que vous lui accorderez toute l'attention qu'il mérite.

MM. les Députés,

Il m'est particulièrement agréable de vous déclarer qu'à l'occasion de mon voyage dans l'intérieur de la Serbie j'ai reçu de nouvelles et précieuses preuves de l'amour et du dévouement qui animent mon cher peuple envers ma personne et envers la Dynastie des Obrénovitch. La confiance mutuelle qui unit le Roi et le peuple, confiance que la population entière du Royaume vienne d'exprimer avec un si sincère enthousiasme, est la plus sûre garantie du meilleur avenir de notre chère patrie.

MM. les Députés,

En ce qui concerne nos rapports internationaux, objets de ma constante sollicitude, je suis heureux de pouvoir vous annoncer, que ces rapports sont avec tous les États aussi amicaux que corrects. Mon Gouvernement n'a pas cessé de s'appliquer à remplir loyalement toutes les obligations assumées par la Serbie, et s'est efforcé de régler d'une façon amicale et prévenante les questions soulevées.

MM. les Députés,

Je déclare ouverte la Session ordinaire de la Skoupehtina Nationale, et, en appelant la bénédiction Divine sur vos travaux, je s'écrie du fond du cœur, Vive le peuple Serbe! Vive la Serbie libre et constitutionnelle!

ALEXANDRE.

SPEECH of the German Emperor, King of Prussia, on Opening the Session of the Prussian Landtag.—Berlin, January 16, 1894.

(Translation.)

GENTLEMEN OF BOTH HOUSES OF THE LANDTAG,

I SALUTE you at this the commencement of a new period of Parliamentary activity in the full assurance that you will cheerfully and intelligently co-operate and afford sure support to the necessities of the country.

The financial position of the State remains unaltered.

The Budget for 1892-93 shows a deficit of 25,000,000 marks in round figures, as compared with the Estimate, owing to the decrease of receipts on the State railways, which deficit it is proposed to cover by a loan.

The hope expressed at the close of the last Session of the Landtag, that the deficit anticipated in the Estimates for the current year would not reach the expected total, has indeed been realized as regards the income and expenditure of Prussia individually; but still, in consequence of the decrease in the receipts from Imperial taxes and the considerable increase in the contributions of each State, has not been fulfilled in the expected degree.

In the State Budget for 1894-95, the Bill for which will be immediately laid before you, the income of the State again proves to be insufficient to cover the expenditure, and greater calls must be made on the credit of the State than in the current year. This undesirable circumstance, although the necessary expenditure has been supervised with the most rigorous economy, and although a large surplus may be expected from the receipts of the State railways for next year, was unavoidable because the requirements of the Empire from each individual State have increased considerably. The difficulties arising hence can only be obviated by a thorough rearrangement of the Imperial finances and a proportionate increase of Imperial receipts.

The consideration by the State Government of the condition of officials has under the circumstances had to be confined to expanding the system of increase of pay to the senior officials according to length of service, and to preparing the means for better regulating this system for the middle and lower officials, and by taking extra duty into consideration.

A Bill to regulate the question of retiring pensions of teachers, and a fund for their widows and orphans, will be introduced for the benefit of the masters and mistresses in the public middle schools not belonging to the State.

There will also be laid before you a Bill for the extension of the State railway system by means of new lines.

To open to the enterprise of railway companies and secondary lines the credit hitherto denied them, a Law is required to facilitate the efficacious mortgaging of railway property. A Bill of this description will be laid before you.

In consequence of unusual drought in the past spring many parts of the country have suffered from grievous want of straw and fodder. I gladly acknowledge that the independent agricultural associations have aided the regulations of my Government to meet this scarcity in a provident and effectual manner. Thanks to this co-operation and to the weather, which became afterwards more favourable, the dreaded famine has been avoided.

I have been caused very great sorrow by the difficult position in which agriculture is placed through other reasons. In view of the great importance of agriculture for the good of the State, I consider

it the duty of my Government not only always to further the development of agriculture, but also to strive after measures which will enable it to stand against bad seasons.

Such a heavy task is not to be completed without the permanent help of independent associations, with an acknowledged legal status, such as at present do not exist for agriculture. The first step to this end is therefore the establishment of a universal representative corporation which would be called upon to support agriculture by common regulations, to serve as Consulting Council to the Government, and to assist in preparing and carrying out the measures for the improvement of the credit system and for suppression of the evils brought about by over-mortgaging estates and the unsuitable methods of so doing.

To this end a Bill for the construction of Agricultural Boards will be laid before you.

At a time when discontent is being much stirred up, and the struggle of interests and opinions carried on with increasing keenness, it is right to smooth away opposition by the conciliating influence of associated operations, striving to one steadfast end, the commonweal of the fatherland.

God grant His blessing and success to such endeavours.

PROCLAMATION by the King of Servia, repealing the Servian Constitution of 1888, and replacing it provisionally by the Constitution of 1869.—Belgrade, May 9, 1894.

(Translation.)

To the Servian Nation.

SERVIANS,

LAST year I invited you to serve me faithfully and loyally, and said that I would govern the country on the basis of the Constitution and Laws, and that the Constitution had entered into full force and vigour. You received my invitation with that enthusiasm and faith in me and love which I looked for, and which you have always preserved for your national dynasty.

Servians, I thank you.

Devoted to the traditions of the Obrenovitch, I believed and will believe in your patriotism and loyalty as you have believed and will believe in my firm unshakable purpose to dedicate myself solely to the sacred interests of my beloved nation and the Servian State idea.

To these our mutual sentiments we pledge all our strength :

forces that we may carry out our duties of State, and with your aid, as your King, I am doing and will do all in my power ceaselessly to promote your welfare, your happiness, and peace and order in our dear and well-beloved Servia.

It behoves all to assist the King of Servia in this his sacred and high duty of State, and this is doubly the duty of the servants and Departments of State, who, by the fundamental laws and the monarchical principle itself, have been placed under my authority.

The task which I had set myself was already difficult, inasmuch as many laws had been passed during my minority which were in conflict with the clear Decrees of the Constitution, but which were closely connected with its application. Many institutions of State were on false foundations, and from their very commencement were applied not to the general interests of the throne and country, but to personal and party passions. Through their unjust and unnatural beginning, inimical to the honour and credit of the Crown and nation, those laws and institutions from the very outset lost all the significance which had been attached to them. My loftiest and most earnest desires and my dearest faith met with nothing but invincible obstacles.

Servians,

For such a state of things I, like my predecessors, will seek to find a remedy in concert with you. In time, when passions are calmed and peace and order are restored, I will call upon you, on the basis of acquired experience, to draw up a new Constitution for the country. In the present I have determined that the Constitution of 1888,* in all its terms, do cease to exist, and that the Constitution of 1869 be provisionally restored in all its fulness.

In giving you to know this my Royal resolve, I proclaim to all and every that from to-day the Constitution of the 29th June, 1869, assumes full force. I order all the authorities of the State to proceed in conformity therewith, and to all I send my Royal greetings, recommending my beloved country to the protection of Almighty God.

Given at our Royal Palace at Belgrade on Nicolas Day, the 9th May, 1894.

ALEXANDER.

* December 22, 1888.
January 8, 1890.

DECREE of the King of the Belgians, Sovereign of the Independent State of the Congo, respecting the Organization of the Government of the Congo State.—Brussels, September 1, 1894.

LÉOPOLD II, Roi des Belges, Souverain de l'État Indépendant du Congo, à tous présents et à venir, Salut :

Sur la proposition de notre Secrétaire d'État,

Nous avons décrété et décrétons :

ART. 1^{er}. Le Gouvernement Central est placé sous la haute direction d'un Secrétaire d'État unique, nommé par nous.

Le Secrétaire d'État est chargé de l'exécution des mesures décidées par nous. Il contresigne les actes du Roi-Souverain.

2. Le Secrétaire d'État est assisté, indépendamment d'un Chef de son Cabinet, d'un Trésorier-Général et de trois Secrétaires-Généraux nommés par nous. Les attributions de ces fonctionnaires, pour autant qu'elles n'aient pas été déterminées par nous, sont réglées par le Secrétaire d'État. Il peut, dans la mesure de ce qu'il juge utile, déléguer à ces fonctionnaires une partie de ses pouvoirs administratifs.

3. Le Secrétaire d'État règle l'organisation et les attributions des différents services du Gouvernement Central.* Il pourvoit à la nomination des fonctionnaires de ces services jusqu'au grade de Chef de Bureau inclusivement. Il fixe leur traitement dans les limites du Budget approuvé par nous.

4. Notre Secrétaire d'État est chargé de l'exécution du présent Décret, qui entre en vigueur ce jour.

Donné à Bruxelles, le 1^{er} Septembre, 1894.

LÉOPOLD.

Par le Roi-Souverain :

EDM. VAN ERTVELDE, Secrétaire d'État.

ARRÊTÉ sur l'Organisation du Gouvernement Central de l'État Indépendant du Congo.—Bruxelles, le 10 Octobre, 1894.

LE Secrétaire d'État,

Vu le Décret du 30 Octobre, 1885, l'Article 3 du Décret du 17 Novembre, 1888, les Décrets des 19 Juin, 1891, et 1^{er} Septembre, 1894;†

* See Arrêté of October 10, 1894, on this page.

† On this page.

Considérant qu'il y a lieu de régler les différents services du Gouvernement Central ;

Arrête :

Chapitre I.—*Division des Services ; Attributions du Trésorier-Général et des Secrétaires-Généraux.*

ART. 1^{er}. Le Gouvernement Central de l'État comprend, indépendamment du Cabinet du Secrétaire d'État, la Trésorerie-Générale, les Départements des Affaires Étrangères, des Finances et de l'Intérieur, gérés respectivement, sous la haute direction et le contrôle du Secrétaire d'État, par un Trésorier-Général et trois Secrétaires-Généraux, nommés par le Roi-Souverain.

2. Les attributions de ces fonctionnaires sont déterminées comme suit :—

Trésorier-Général.

Comptabilité générale des recettes et des dépenses de l'État ;
Dette publique ;
Service de la Trésorerie.

Secrétaire-Général aux Affaires Étrangères.

Relations internationales ;
Services Diplomatiques et Consulaires ;
Extraditions ;
État civil, successions, &c., des étrangers ;
Ports et rades ;
Sociétés de commerce ;
Immigration ;
Postes et télégraphes ;
Organisation judiciaire ;
Législation civile, commerciale et pénale ;
Bienfaisance, cultes ;
Instruction publique.

Secrétaire-Général aux Finances.

Budget général de l'État ;
Création et perception des impôts de toute nature ;
Questions et statistiques commerciales et monétaires ;
Commerce intérieur et extérieur ;
Régime foncier, cadastre, hypothèques ;
Domaine de l'État ;

Concession du chemin de fer du Congo ;
Mines.

Secrétaire-Général à l'Intérieur.

Administration et police du territoire des provinces et des communes ;

Force publique ;

Matériel d'artillerie. Armes et munitions ;

Marine de l'État ;

Service des transports ;

Collections scientifiques ;

Hygiène publique. Service médical ;

Voies de communication et voirie ;

Service de l'intendance ;

Travaux publics ;

Constructions. Entretien et mobilier des bâtiments de l'État, agriculture, industrie, et plantations ;

Exploitation du domaine privé.

Tout conflit d'attributions est tranché par le Secrétaire d'État.

Le Secrétaire d'État se réserve, chaque fois qu'il le juge utile, le faire traiter dans son Cabinet des affaires ressortissant à ces différents services.

3. Le Trésorier-Général et les Secrétaires-Généraux assurent la marche des services placés dans leurs attributions, d'après les instructions générales que leur donne le Secrétaire d'État.

Ils en réfèrent au Secrétaire d'État au moyen d'un rapport écrit, chaque fois qu'il se présente des affaires soulevant des questions de principe nouvelles ou sur lesquelles il convient de prendre les ordres du Roi-Souverain. Ils lui en réfèrent en tous cas chaque fois qu'il agit de modifier ou d'interpréter les arrêtés, ordonnances, règlements, instructions écrites du Gouvernement Central ou du Gouverneur-général.

Sous la réserve résultant, tant des alinéas précédents que de l'article 4, les Secrétaires-Généraux sont autorisés à traiter directement.

aux Affaires Étrangères.

Engagement du personnel pour de la Catégorie (G), fixée
vement ;

marque et de marques de

Affaires du Conseil Supérieur ;
 Cultes et bienfaisance ;
 Immigration ;
 Instruction publique ;
 Liquidation des comptes des agents ;
 Matériel et fournitures.

Le Secrétaire-Général aux Finances.

Instruction des candidatures et engagement du personnel pour les services d'Afrique, jusqu'aux agents de la Catégorie (G), fixée par le Décret du 6 Octobre, 1888, inclusivement ;

Demandes de renseignements concernant les impôts et le régime des terres ;

Matériel et fournitures ;
 Liquidation des comptes des agents ;
 Questions et statistiques commerciales et monétaires.

Le Secrétaire-Général à l'Intérieur.

Instruction des candidatures et engagement du personnel pour les services d'Afrique, jusqu'aux agents de la Catégorie (G), fixée par le Décret du 6 Octobre, 1888, inclusivement ;

Commande de marchandises et matériel de toute espèce pour l'Afrique ;

Recrutement du personnel noir ; camps d'instruction ;
 Matériel d'artillerie, armes et munitions ;
 Marine de l'État ;
 Service des transports ;
 Service de l'intendance ;
 Construction, entretien et mobilier des bâtiments de l'État ;
 Matériel et fournitures du Département ;
 Liquidation des comptes des agents.

4. Le Secrétaire d'État se réserve de signer toutes les correspondances adressées aux Gouvernements et aux fonctionnaires Belges et étrangers, aux administrations publiques, au Conseil Supérieur, aux associations commerciales, religieuses et philanthropiques ayant un siège au Congo, ainsi qu'au Gouverneur-Général. Toutefois, le Trésorier-Général et les Secrétaires-Généraux correspondent directement, au nom du Secrétaire d'État, avec le Gouverneur-Général, sur les affaires reprises à l'Article précédent.

Ils signent, au nom du Secrétaire d'État, les correspondances

qui ont trait à ces affaires. Les Secrétaires-Généraux correspondent entre eux sur les affaires qu'ils ont à traiter directement.

5. Toute pièce, avant d'être soumise à la signature du Secrétaire d'État ou du fonctionnaire supérieur délégué, doit être approuvée en minute qui sera paraphée par celui qui en a la signature. Il ne pourra être apporté aucun changement à la rédaction des pièces paraphées par le Secrétaire d'État ou par le Secrétaire-Général compétent, à moins qu'elles ne leur soit représentées.

6. Le Trésorier-Général et les Secrétaires-Généraux remplacent le Secrétaire d'État en cas d'absence ou d'empêchement, chacun en ce qui concerne les services de son Département.

7. Les dépenses de la Trésorerie-Générale, ainsi que celle à imputer sur les comptes pour ordre et les articles du budget indiqués spécialement par le Secrétaire d'État, sont ordonnancées exclusivement par celui-ci. Les Secrétaires-Généraux ordonnanceront les dépenses autorisées par le Secrétaire d'État, chacun en ce qui concerne les services placés dans ses attributions. Cette autorisation, qu'elle soit générale ou spéciale, doit être donnée par écrit.

8. Le Trésorier-Général et les Secrétaires-Généraux ont le contrôle et la police des bureaux relevant de leur Département. Ils distribuent le travail des Divisions. Ils veillent spécialement à ce que les heures fixées pour le travail des bureaux soient régulièrement observées.

Trésorerie Générale.

9. Le Trésorier-Général dirige le service de la Comptabilité-Générale et de la Trésorerie, sous l'autorité directe du Secrétaire d'État et conformément au Décret du 6 Octobre, 1885.

Le service du Trésorier-Général comprend la comptabilité des recettes et des dépenses de l'État, les comptes des comptables et du budget général de l'État, la dette publique, le service de la Trésorerie, la comptabilité de l'emprunt et du fonds d'amortissement, la comptabilité des fabrications de monnaies, des dépôts des coins et viroles et des types monétaires, la vérification des comptes de fabrication, le placement des fonds disponibles de l'État, les versements à la Caisse d'Épargne, et le service du caissier de l'État.

10. Le Trésorier-Général veille à ce qu'aucun article du budget des dépenses ne soit dépassé et à ce qu'aucun transfert n'ait lieu.

Il s'abstient de payer tout mandat créé contrairement aux présentes dispositions et il fait connaître au Secrétaire d'État les motifs qui l'ont déterminé à s'abstenir. Dans ce cas, il est statué par le Roi-Souverain, le Secrétaire d'État entendu.

Les comptes de tous les comptables de l'État sont soumis à l'examen et à la liquidation du Trésorier-Général, qui peut se faire fournir tous états, renseignements et éclaircissements relatifs à la recette et à la dépense des deniers du Trésor. Il correspond directement à cet effet avec le Secrétaire d'État et le Gouverneur-Général. (Décret du 10 Mai, 1893.)

11. Dans les premiers jours de chaque mois le Trésorier-Général adresse au Secrétaire d'État un relevé indiquant, par exercice, par Département, et par article du budget, les dépenses payées sur crédits ouverts pendant le mois précédent. Il lui rend compte vers le milieu de chaque mois de la situation du Trésor.

A la fin de chaque trimestre il transmet au Secrétaire d'État un relevé des recettes effectuées tant en Europe qu'en Afrique; il lui remet, en outre, avec un bordereau, en double, les mandats émis par lui, par les Secrétaires-Généraux et par le Gouverneur-Général, et acquittés pour compte de leurs Départements respectifs.

12. Le Trésorier-Général traite directement avec les particuliers toutes les affaires ayant pour objet l'encaissement des sommes qui lui ont été signalées par chaque Département comme étant dues à l'État, ainsi que le payement des mandats émis, sauf à en référer au Secrétaire d'État dans les cas litigieux. Il correspond directement avec les comptables au Congo pour tous les objets prévus par le règlement sur la comptabilité du 1^{er} November, 1889.

Il présente au Secrétaire d'État les remarques auxquelles donnent lieu la vérification des états formés et des pièces justificatives produites par les comptables en Afrique; si des observations critiques doivent être faites à ces derniers, il les formule dans des projets de dépêche au Gouverneur-Général au Congo et soumet ces projets au Secrétaire d'État.

Il agit de même pour ce qui concerne les dépêches relatives aux envois de fonds en Afrique et la correspondance traitant des questions de principe concernant la comptabilité ou le service de la Trésorerie au Congo.

13. Le Trésorier-Général traite directement avec le caissier de l'État toutes les questions se rattachant au service financier de la Trésorerie. Il reçoit les instructions du Secrétaire d'État en ce qui concerne le placement des fonds disponibles.

Chapitre II.—*Cabinet du Secrétaire d'État.*

14. Le Cabinet du Secrétaire d'État est dirigé par un fonctionnaire ayant le titre de Chef de Cabinet. Il relève directement du Secrétaire d'État.

Les attributions principales du Chef de Cabinet comprennent :

La réception et l'ouverture des dépêches, lettres, documents,

paquets, ayant un caractère officiel, qu'ils soient adressés au Secrétaire d'Etat ou aux fonctionnaires placés sous sa haute direction ;

Les demandes d'audience au Secrétaire d'Etat ;

Les affaires que le Secrétaire d'Etat se réserve de traiter personnellement ;

Les affaires d'une nature confidentielle ;

Les affaires soulevant des questions de principe ;

Les affaires relatives au personnel supérieur ;

La fixation et le contrôle des dépenses autorisées par le Secrétaire d'Etat ;

La préparation du Budget de l'Etat ;

La conservation des originaux des Décrets et des Arrêtés du Gouvernement Central ; les Ordonnances, et les Arrêtés du Gouvernement local autres que ceux qui portent nomination d'agents ;

La conservation du chiffre de l'Etat ; les télégrammes chiffrés ;

La conservation des archives confidentielles ;

Le " Bulletin Officiel " ; les Ordres et l'Etoile de service ; la Bibliothèque.

Le Chef de Cabinet aura en tout temps accès à toutes les divisions pour se faire remettre sans délai les pièces et documents requis par le Secrétaire d'Etat. Il communique au Département compétent, dans les trois jours de leur signature, les originaux des Décrets et Arrêtés ; les Départements, après avoir fait tirer copie, renverront aussitôt l'original au Cabinet.

15. Toute dépêche ou document quelconque destiné au Gouvernement Central doit être adressé au Secrétaire d'Etat.

Les pièces sont envoyées du Cabinet du Secrétaire d'Etat au Trésorier-Général ou Secrétaire-Général compétent, qui, avant de les distribuer aux chefs de service, les fait enregistrer à l'indicateur général de leur Département respectif.

La distribution se fait dans des portefeuilles portant une indication spéciale pour chaque Département.

Si une pièce est remise à une division sans avoir passé par l'indicateur général, elle sera renvoyée au Secrétaire-Général.

Si le Chef de service auquel une pièce est transmise do l'indicateur général pense qu'elle ne rentre pas dans ses attributions, il la renvoie au Secrétaire-Général avec une note motivée.

Les pièces adressées par erreur à un Département sont renvoyées à leur destination par le Secrétaire-Général.

16. Les pièces que le Secrétaire d'Etat se réserve de traiter dans son Cabinet sont inscrites à un indicateur spécial. Les autres sont envoyées du Cabinet au Trésorier-Général ou au Secrétaire-Général compétent.

17. Les fonds ou valeurs quelconques annexés à des communications adressées au Secrétaire d'État sont transmis directement du Cabinet au Secrétaire-Général compétent.

Leur réception est constatée au moyen d'une mention apposée et paraphée par le Chef de Cabinet.

Chapitre III.—*Subdivision des Départements et Travail des Bureaux.*

18. Les Départements sont subdivisés en divisions ayant à leur tête un Chef de division.

Les Chefs de division veillent à ce que chaque pièce de la correspondance extérieure soit enregistrée au moment de son entrée dans la division, à ce qu'on y renseigne la date de l'enregistrement, ainsi que le numéro d'ordre de son dossier.

Ils répartissent le travail entre les employés sous leurs ordres d'après les indications que leur fournira le Secrétaire-Général.

19. Les dépêches sont copiées dans chaque bureau lisiblement et proprement, sans surcharges ni ratures. Le Chef de bureau collationne ou fait collationner avec soin les expéditions et paraphe pour collation.

20. Chaque dossier doit être accompagné d'un inventaire. Les minutes portent le nom du rédacteur et les indications identiques à celles qui doivent être inscrites sur la copie.

Si elle répond à une communication émanant d'une administration publique, la dépêche rappellera en marge l'objet de la lettre à laquelle elle répond, ainsi que les numéros portés sur celle-ci, et désignant la branche du service à laquelle l'affaire ressortit et les diverses indications.

21. La compétence de chacune des divisions est déterminée par le Secrétaire-Général avec l'approbation du Secrétaire d'État.

22. Il est tenu dans chaque division, pour les affaires qui y sont traitées, un registre des questions de principe soulevées par l'examen des dossiers. Il est fait, en outre, un historique des affaires dont il est utile de conserver le souvenir.

23. Les Chefs de division surveillent la tenue des registres, le classement des pièces, ainsi que la tenue des dossiers et des archives. Les pièces devront être classées dans les huit jours de la date de l'expédition ou de la réception.

24. La remise et la transmission des pièces dans les bureaux et les communications doivent se faire exclusivement par les commis. Ces derniers ne peuvent pas se servir des sonneries d'appel de l'huissier, du concierge ou des messagers, même s'il en existe dans le bureau qu'ils occupent.

25. Il est expressément interdit aux fonctionnaires et employés, autres que les Chefs de Département, dûment autorisés par le

Secrétaire d'État, de traiter directement certaines catégories d'affaires, de correspondre pour les affaires du Département avec les autorités ou particuliers, en Belgique ou à l'étranger, ni de communiquer à qui que ce soit des pièces déposées aux dossiers.

Aucun dossier ne peut être emporté du Département sans une autorisation spéciale du Secrétaire-Général.

26. Les fonctionnaires et employés doivent, chaque fois qu'ils sortent du Département, remettre chez le concierge les clefs de leurs bureaux ; ils les y reprennent en rentrant.

Rang Hiérarchique des Fonctionnaires.

27. Le rang hiérarchique des fonctionnaires, autres que le Trésorier-Général, les Secrétaires-Généraux, et le Chef de Cabinet, est établi comme suit :

Chef de Division et Sous-Directeur ;
 Chef de Bureau ;
 Sous-chef de Bureau ;
 Premier Commis ;
 Deuxième Commis ;
 Troisième Commis.

28. Les fonctionnaires et employés du même grade prennent rang d'après la date de leur nomination ; à parité de date, le rang est déterminé par le Secrétaire d'État.

29. Dans le calcul de l'ancienneté dans chaque grade, chaque année passée au service de l'État au Congo est comptée pour une année et demie de service.

Tout conflit d'attributions ou de préséance des fonctionnaires désignés à l'Article 29 est déféré au Secrétaire-Général et tranché par lui.

Cadres et Traitements.

30. Le cadre et les traitements du personnel du Gouvernement Central sont fixés comme suit :

Grades et Emplois.	Traitements assignés à chaque Grade ou Emploi.	
	Minimum.	Maximum.
Chef de Division et Sous-Directeur ..	Fr. 4,000	Fr. 7,000
Chef de Bureau	3,000	4,500
Sous-Chef de Bureau	2,500	3,250
Premier Commis	2,100	3,250
Deuxième Commis	1,500	2,000
Troisième Commis	900	1,400

31. Le traitement et les allocations du personnel sont fixés par le Secrétaire d'État.

Nul n'est promu à un grade supérieur avant d'avoir servi au moins trois ans comme titulaire dans le grade immédiatement inférieur.

De même nul n'obtient une augmentation de traitement avant deux ans de service dans son grade ; en outre, les augmentations successives doivent s'espacer de deux ans au moins.

Il peut, néanmoins, être dérogé à ces dispositions lorsqu'il s'agit de récompenser, soit des services dont l'importance exceptionnelle a été dûment constatée, soit des preuves d'une capacité ou d'un dévouement extraordinaire.

32. Les fonctionnaires ou employés ne peuvent gérer simultanément aucun autre emploi rétribué. Il leur est interdit d'exercer aucune profession lucrative, de faire, soit par eux-mêmes, soit sous le nom de leur femme ou de toute autre personne interposée, aucune espèce de commerce, ou de participer à la direction ou à l'administration d'aucune société ou établissement de commerce.

Le Secrétaire d'État pourra, dans des cas particuliers, lever les interdictions établies par les deux paragraphes précédents.

33. Les fonctionnaires ou employés doivent être présents dans leurs bureaux tous les jours, Dimanches et fêtes exceptés, aux heures fixées par le Secrétaire d'État, sauf les tolérances individuelles autorisées par le Chef de Département compétent.

La présence des fonctionnaires et employés dans les bureaux peut, toutefois, être toujours requise en dehors des heures fixées, par le Secrétaire d'État ou les Chefs de Département, même les jours fériés.

Il est interdit aux fonctionnaires et employés de quitter leurs bureaux pendant les heures réglementaires de travail, à moins d'une autorisation du Secrétaire-Général.

Congés.

Les jours fériés sont :

Les Dimanches ;

Le 1^{er} Janvier ;

Le Mardi-Gras, à partir de midi ;

Le Jeudi-Saint, à partir de midi ;

Le Lundi de Pâques ;

Le 9 Avril, anniversaire de la naissance du Roi ;

Le jour de l'Ascension ;

Le Lundi de la Pentecôte ;

Le 1^{er} Juillet (anniversaire de la Proclamation de l'État) ;

Le 21 Juillet (anniversaire de l'inauguration de Léopold I) ;

Le 15 Août ;

Le 1^{er} Novembre ;

Le 2 Novembre à partir de midi ;

Le 15 Novembre (fête onomastique de Sa Majesté le Roi-Souverain) ;

Le 25 Décembre ;

Le lendemain de la Noël.

34. Les congés sont accordés par le Secrétaire d'État aux Chefs de Département. Ceux-ci accordent les congés au personnel sous leurs ordres sans qu'en aucun cas ces congés puissent dépasser annuellement :

Pour les Chefs de Division et Sous-Directeurs, quinze jours ; Chefs et Sous-Chefs de Bureau, douze jours ; Commis, dix jours.

35. En cas d'absence ou d'empêchement d'un Chef de Département, le Secrétaire d'État pourvoit à son remplaçant. En cas d'absence d'un autre fonctionnaire, le remplaçant, s'il y a lieu, est désigné par le Secrétaire-Général.

36. Les peines disciplinaires à appliquer, suivant la gravité du fait sont :

La réprimande ;

La privation de traitement ;

La suspension ;

La privation d'un ou de plusieurs grades ;

La révocation.

En tous cas l'employé sera préalablement entendu.

La réprimande est donnée aux fonctionnaires ou employés par le Trésorier-Général ou le Secrétaire-Général du Département auxquels ils appartiennent.

La privation de traitement est prononcée par le Chef de Département pour un terme qui ne peut excéder deux mois.

La suspension entraîne la privation du traitement et l'interdiction d'exercer les fonctions ; elle est prononcée par le Secrétaire d'État pour un terme qui ne peut excéder six mois.

La privation d'un ou de plusieurs grades et la révocation sont prononcées soit par le Roi-Souverain, soit par le Secrétaire d'État, suivant que le fonctionnaire est nommé par le Roi-Souverain ou par le Secrétaire d'État en vertu de l'Article 3 du Décret du 1^{er} Septembre, 1894.

Chapitre IV.

37. Toute disposition contraire au présent Règlement est abrogée.

Bruxelles, le 10 Octobre, 1894.

EDM. VAN EETVELDE.

(Annexe.)—*Gouvernement Local au Congo.*

Le Gouvernement Local a son siège à Boma. Il est placé sous la haute direction d'un Gouverneur-Général.

(Décrets des 16 Avril, 1887, 22 Juin, 1889, et 28 Février, 1890, sur l'Organisation du Gouvernement Local.)

ART. 1^{er}. Le Gouverneur-Général représente dans le territoire de l'État l'autorité souveraine. Il est chargé d'administrer le territoire et d'y assurer l'exécution des mesures décidées par le Gouvernement Central.

Le Gouverneur-Général a la haute direction de tous les services administratifs et militaires établis dans l'État.

2. Il est assisté d'un Vice-Gouverneur-Général, d'un Inspecteur d'État, d'un Secrétaire-Général, et d'un ou plusieurs Directeurs, tous nommés et révoqués par Décret. Les attributions de ces fonctionnaires, pour autant qu'elles n'aient pas été déterminées par Décret, sont réglées par le Gouverneur-Général.

3. Des Commissaires de District représentent l'administration générale de l'État dans les circonscriptions qui leur sont assignées.

Leurs attributions, en tant qu'elles ne résultent pas des Décrets et des Arrêtés du Gouvernement Central, sont réglées par le Gouverneur-Général.

Les Commissaires de District et les autres Agents de l'État, pour autant qu'ils n'aient pas reçu de nomination du Gouvernement Central, sont nommés par le Gouverneur-Général.

Celui-ci fixe la résidence de ces fonctionnaires.

4. Le Gouverneur-Général est autorisé à pourvoir provisoirement, par la désignation d'intérimaires, à tous les emplois qui deviendraient vacants ou dont les titulaires seraient momentanément absents ou empêchés.

Les fonctionnaires intérimaires jouissent pendant leur intérim de la même autorité que les titulaires de l'emploi.

5. Le Gouverneur-Général peut, s'il le juge utile à la bonne administration du pays, commettre, pour un terme maximum d'un an, un fonctionnaire aux fins d'inspecter ou d'administrer une partie du territoire de l'État. Une lettre de commission détermine l'étendue et la durée des pouvoirs qui lui sont délégués à cet effet par le Gouverneur-Général.

6. Le Gouverneur-Général peut édicter des Ordonnances ayant force de loi. Il peut aussi, en cas d'urgence, suspendre, par Ordonnance, l'exécution d'un Décret du Souverain.

Ces Ordonnances cessent leurs effets à l'expiration de six mois, si elles n'ont pas été approuvées par Décret dans ce délai.

Il ne peut néanmoins, sans autorisation expresse du Roi-Souverain, contracter aucun emprunt au nom de l'État, ni prendre aucun engagement envers les pays étrangers.

7. Le Gouverneur-Général est autorisé, en outre, à prendre des règlements obligatoires de police et d'administration publique.

Ces règlements peuvent établir des peines ne dépassant pas sept jours de servitude pénale et 200 fr. d'amende.

8. En cas d'absence ou d'empêchement, le Gouverneur-Général est remplacé provisoirement par le Vice-Gouverneur-Général, ou par l'Inspecteur d'État, ou enfin par un intérimaire désigné par le Roi-Souverain. A défaut de Vice-Gouverneur-Général, d'Inspecteur d'État et d'intérimaire désigné par le Roi-

Souverain, le Gouverneur-Général pourra désigner lui-même l'intérimaire. Dans le cas où aucun intérimaire n'aurait été ainsi désigné, les fonctions de Gouverneur-Général seront exercées par un "Comité Exécutif," composé du Secrétaire-Général, des Directeurs, du Commandant de la Force Publique, et, s'il y a lieu, d'un ou plusieurs membres choisis par le Roi-Souverain pour faire éventuellement partie de ce Comité. La présidence du Comité appartient au plus ancien de ses membres. Il prend ses décisions à la majorité des voix ; en cas de partage, la voix du Président est prépondérante.

9. Il est institué sous la présidence du Gouverneur-Général un "Comité Consultatif," composé comme suit :—

Le Vice-Gouverneur-Général ;

L'Inspecteur d'État ;

Le Juge d'Appel ;

Le Secrétaire-Général ;

Les Directeurs ;

Le conservateur des titres fonciers, et un certain nombre des membres, ne dépassant pas cinq, à choisir par le Gouverneur-Général pour le terme d'une année. En cas d'empêchement ou d'absence du Gouverneur-Général, la présidence du Comité est dévolue à celui qui le remplace ou, à son défaut, au Président du "Comité Exécutif."

10. Le Gouverneur-Général prend l'avis du Conseil sur toutes les mesures d'intérêt général qu'il peut y avoir lieu d'adopter ou de proposer au Gouvernement Central.

Il n'est pas tenu de se conformer à cet avis.

Secrétariat du Gouvernement Local.

Le Secrétaire-Général a dans ses attributions—

La direction du Secrétariat-Général ;

Le classement et la conservation des archives ;

La statistique.

Le Secrétaire-Général signe la correspondance "pour le Gouverneur-Général" dans les limites fixées par ce dernier.

Direction de la Justice.

La Direction de la Justice comprend—

(a.) Justice :

Instructions à donner au personnel judiciaire en conformité des Décrets et Ordonnances ;

Surveillance et inspection des parquets des greffes ;

Comptabilité du greffe.

(b.) Notariat :

Instructions à donner aux notaires pour la rédaction des actes et leur validité ;

Inspection des registres des notaires.

(c.) État civil :

Instructions à donner aux officiers de l'état civil ;

Inspection des registres ;

Recensement ;

Successions des étrangers.

(d.) Régime pénitentier :

Inspections des prisons et des registres d'écrou ;

Applications des règlements pénitentiaires.

(e.) Questions relatives aux cultes.

(f.) Registres de chancellerie ;

Transmissions des commissions rogatoires.

Le Directeur de la Justice peut correspondre avec les Agents de l'État au sujet des divers services énumérés ci-dessus : les fonctionnaires lui adresseront directement les rapports, lettres, et documents concernant les affaires ressortissant à ses attributions.

Le Directeur de la Justice fera rapport au Gouverneur-Général sur toutes les affaires présentant quelque importance, et prendra au besoin son avis.

Il lui adressera des rapports sur toutes les améliorations et modifications qu'il jugera utiles d'introduire dans l'intérêt du service.

Direction des Transports, de la Marine, et des Travaux Publics.

La Direction des Transports, de la Marine, et des Travaux Publics comprend :—

Service des Transports.

Réception, au Congo, des marchandises ou matières quelconques venant d'Europe ou des services de l'État en Afrique ;

Expédition ou remise de ces matières aux divers services de l'État ;

Expédition en Europe des produits et matières appartenant à l'État ;

Projets d'organisation du transport par eau et par terre dans le Bas-Congo, ainsi que le Moyen-Congo, et notamment études relatives au développement du portage ; le Directeur des Transports procède à celles-ci autant que possible en conférant avec les Commissaires des Districts et Chefs des Régions où se recrutent les porteurs. Tous les six mois il soumet au Gouverneur-Général un rapport résumant le résultat de ces travaux ;

Relations avec les sociétés de commerce ou les particuliers au point de vue du transport.

Contrôle des Magasins de Transit.

Les magasins de transit de chaque localité sont tenus par un agent réceptionnaire, qui est sous les ordres directs du Directeur des Transports ; sans autorisation de celui-ci l'agent réceptionnaire ne peut être employé à d'autres services.

Contrôle Administratif du Recrutement des Porteurs.

Les Commissaires des Districts et les Chefs des Régions susmentionnées fournissent mensuellement à la Direction des Transports les rapports dont celle-ci a besoin pour exercer son contrôle. La Direction des Transports propose au Gouverneur-Général les mesures qui lui sont suggérées par l'examen de ces pièces.

Service de la Marine.

Entretien et surveillance des bateaux et des embarcations de l'État dans le Bas- et le Moyen-Congo ;

Administration du personnel ;

Demandes des matières de consommation, d'entretien, et de rechange. Surveillance de leur emploi;

Examen des réquisitions concernant la marine du Haut-Congo.

Service des Travaux Publics.

Bâtiments d'État (études, construction, et surveillance), excepté les bâtiments militaires;

Voies de communication (routes, chemins, voies ferrées, voies fluviales autres que le Bas-Congo);

Ateliers de l'État, excepté les ateliers militaires;

Matériel, matières, et matériaux de construction exotiques, excepté ceux destinés au service militaire;

Matières et matériaux de construction indigène;

Voirie de l'État (étude des plans d'alignement et de nivellement des centres à créer);

Contrôle des constructions et travaux d'intérêt public exécutés par des tiers;

Administration du personnel ouvrier civil;

Comptabilité des travaux.

Le Directeur des Transports, de la Marine, et des Travaux Publics correspond avec les Agents de l'État pour traiter les affaires ressortissantes à ses attributions.

Il adresse au Gouverneur-Général des rapports sur toutes les améliorations et modifications qu'il juge utile d'introduire dans l'intérêt de l'État.

Direction de l'Intendance.

L'Intendance comprend les services suivants:—

Vérification des comptes périodiques des districts;

Comptabilité ressortissant au Département de l'Intérieur;

Engagement et tenue des comptes des artisans à l'exception de ceux au service des Travaux Publics et de la Marine;

Recollement et expédition des factures et pièces comptables;

Réception, conservation des fournitures de bureau, commandes diverses en ce qui concerne ces fournitures;

Liquidation des indemnités de nourriture;

Ventes au comptant aux Agents de l'État;

Vérification et visa des réquisitions, sauf pour la Marine et les Travaux Publics;

Surveillance administrative de Boma Plateau, Boma Rive, et des magasins généraux de l'État;

Écritures relatives à la réception et à l'expédition des marchandises et provisions diverses destinées aux stations, camps, expéditions, &c., à l'exception de ce qui regarde le service actif des transports;

Questions administratives relatives aux ravitaillements de toute nature, sauf celles concernant la Force Publique, la Marine, et les Travaux Publics.

L'Intendant assure les services énumérés à l'Article 1^{er}.

Il correspond avec les Agents de l'État pour traiter les affaires ressortissantes à ses attributions.

Il adresse au Gouverneur-Général des rapports sur toutes les améliorations et modifications qu'il juge utile d'introduire dans l'intérêt de l'État.

Direction de l'Agriculture et de l'Industrie.

Il est créé à Boma une Direction de l'Agriculture et de l'Industrie.

Le Directeur de l'Agriculture est spécialement chargé :—

(a.) De la surveillance générale des plantations et des pépinières de l'État.

Il est tenu de s'assurer par de fréquentes tournées d'inspection de l'exécution des instructions du Gouvernement relatives notamment aux plantations de café, de cacao, d'élaïs, &c.

(b.) De l'étude des essences forestières, et de leur exploitation, de la conservation, et de la plantation des lianes et arbres à caoutchouc, ainsi que de la surveillance des travaux de reboisement.

(c.) De la direction des recherches et des travaux d'exploitations minières effectuées par l'État.

(d.) De l'étude des produits naturels manufacturés et des moyens de développer les industries indigènes en vue d'exploitation de ces produits.

Il forme des collections des diverses productions manufacturières.

(e.) De la surveillance générale des troupeaux de l'État et de tout ce qui concerne l'élevé du bétail.

Direction des Travaux de Défense.

Le Directeur des Travaux de Défense s'occupe, sous la haute direction du Gouverneur-Général, de l'étude de toutes les questions relatives à la défense de l'État.

Il dirige personnellement les travaux de fortification du Bas-Congo, d'après les plans arrêtés par le Gouvernement Central et suivant ses instructions. Il exerce également le commandement supérieur des forts du Bas-Congo.

Direction de la Force Publique.

Le Commandant de la Force Publique exerce, sous la haute direction du Gouverneur-Général, les attributions lui dévolues par le règlement sur les services et la comptabilité de la Force Publique.

Direction des Finances.

La Direction des Finances comprend les services suivants :—

(a.) Perception des impôts de toute nature;

Acquisition et location de terres par des particuliers;

Enregistrement des terres;

Cadastré;

Occupation des terres;

Comptabilité générale de l'État (ressortissant au Département des Finances),
Monnaies et questions monétaires.

(b.) Commerce intérieur et extérieur;

Navigation marchande;

Ports et rades;

Sociétés de commerce;

Immigration;

Relations postales et télégraphiques.

(c.) Les attributions spéciales qui sont conférées au Directeur des Finances par les divers Décrets, Arrêtés, et Ordonnances.

Le Directeur des Finances pourra correspondre avec tous les Agents de

l'État au sujet des divers services énumérés ci-dessus; les fonctionnaires lui adresseront directement les rapports, lettres, et documents concernant les affaires ressortissant à ses attributions.

Le Directeur des Finances fera rapport au Gouvernement Général sur toutes les affaires présentant quelque importance et prendra au besoin son avis.

Il adressera au commencement de chaque mois au Gouverneur-Général, un état indiquant la quantité de numéraire se trouvant dans les caisses de l'État, afin que les comptables soient toujours à même de payer les mandats émis.

Il adressera au Gouverneur-Général des rapports sur toutes les améliorations et modifications qu'il jugera utile d'introduire dans l'intérêt du service.

RÈGLEMENT GÉNÉRAL pour le Personnel de l'État Indépendant du Congo en Afrique.—Bruxelles, le 10 Octobre, 1894.

ART. 1^{er}. D'après les Décrets organisant les divers services de l'État en Afrique, certains agents sont nommés par le Roi-Souverain; les autres peuvent tenir leur nomination soit du Secrétaire d'État, soit du Gouverneur-Général.

Le Gouverneur-Général choisit de préférence les agents à nommer par lui parmi les agents d'un grade inférieur qui sont déjà au service de l'État, ou bien parmi les postulants qui ont été préalablement agréés par le Gouvernement Central et que celui-ci envoie en Afrique pour y recevoir une nomination définitive.

Quelle que soit l'autorité dont ils tiennent leur nomination, les agents reçoivent du Gouverneur-Général une commission constatant les fonctions qu'ils ont à remplir et la date de leur installation.

Cette commission doit être restituée lorsque les agents cessent leurs fonctions ou retournent en Europe.

2. Quel que soit le service pour lequel les fonctionnaires ou agents ont été admis dans l'Administration de l'État, il est loisible au Gouverneur-Général, lorsque l'intérêt de l'État l'exige, de les attacher à un service différent et de les charger, soit exclusivement, soit accessoirement, de toutes les fonctions pour lesquelles il juge qu'ils ont les aptitudes voulues.

La disposition qui précède ne s'applique pas aux agents figurant dans les catégories (A) à (E) inclusivement, fixées par l'Article 1^{er} du Décret du 6 Octobre, 1888, qui, avant leur départ d'Europe, auraient reçu expressément une destination spéciale.

Le Gouverneur-Général peut charger les Commissaires de district éloignés ou les Chefs d'expédition de répartir les services entre les agents sous leurs ordres.

Les emplois gérés accessoirement par un fonctionnaire, en exécution d'un ordre du Gouverneur-Général, ne donnent lieu à aucune rémunération supplémentaire et, à moins de dispositions spéciales, ne modifient pas le rang hiérarchique qu'il occupe.

3. Sauf les exceptions stipulées expressément par le Secrétaire d'État, les fonctionnaires et agents nommés ou agréés pour faire partie du personnel de l'État en Afrique contractent, par le seul fait de leur acceptation, l'obligation :

(1.) De servir l'État en Afrique pendant au moins trois ans, sauf le cas où il serait dûment constaté, par un médecin de l'Administration ou agréé par elle, que leur santé ne leur permet plus de séjourner au Congo.

(2.) De consacrer en Afrique tout leur temps et toute leur activité au service de l'État, de remplir leurs fonctions avec un zèle et un dévouement absolus, d'observer et de faire respecter, dans la sphère de leurs attributions, les Décrets et les Règlements en vigueur dans l'État Indépendant, de se conformer ponctuellement aux instructions qui leur seront données pour l'exécution de leur service, et d'obéir, dans l'accomplissement de celui-ci, aux Chefs sous les ordres desquels ils seront placés.

4. De même, par le seul fait de leur acceptation, les fonctionnaires et agents de tout rang s'engagent :

(1.) A ne faire le commerce, ni pour leur compte ni pour le compte de tiers, et à ne s'intéresser en Afrique, ni directement ni indirectement, dans aucune entreprise commerciale ou autre, étrangère au service de l'État ;

(2.) A n'accepter des maisons de commerce ou des particuliers avec lesquels ils peuvent être en relations pour l'exécution de leur service, aucune rémunération ni rétribution, à quelque titre que ce soit ;

(3.) A ne pas communiquer à des personnes étrangères à l'Administration et à ne pas publier, sans autorisation spéciale, des renseignements relatifs à des affaires de l'État ou à des affaires de particuliers dont ils auraient connaissance en raison de leurs fonctions officielles.

L'obligation de garder le secret professionnel subsiste, comme engagement d'honneur, même après que les Agents ont quitté le service de l'État Indépendant.

Démissions.

5. L'Agent qui veut quitter définitivement le service de l'État Indépendant après le terme de trois ans stipulé au (1) de l'Article 3 doit envoyer par voie hiérarchique, s'il se trouve au Congo, une démission écrite au Gouverneur-Général. Il reste en fonctions

jusqu'à ce que, par l'acceptation de sa démission, il ait été régulièrement relevé de son emploi.

6. Le Gouverneur-Général peut, d'office, renvoyer en Europe tout agent qu'il jugerait, à un titre quelconque, impropre au service d'Afrique, et ce sans attendre l'expiration du terme fixé au (1) de l'Article 3.

7. L'agent qui se trouve en congé en Europe (Article 8 et suivants) doit, s'il renonce à retourner en Afrique, envoyer sa démission écrite au Secrétaire d'État.

Le Secrétaire d'État peut également démissionner d'office l'agent qui se trouve en congé en Europe, s'il juge que, pour une raison quelconque, cet agent ne peut plus être employé en Afrique.

Congés.

8. Après l'expiration du terme fixé à l'Article 3 (1), les fonctionnaires et agents ont droit à un congé d'une durée maximum de six mois, leur permettant de revenir en Europe.

Ils ne peuvent toutefois jouir de ce congé qu'à la condition d'en faire la demande au Gouverneur-Général suffisamment à l'avance pour que celui-ci puisse les faire remplacer dans le poste qu'ils occupent. Au besoin, le Gouverneur-Général peut différer leur départ jusqu'à ce qu'il ait pu assurer le service.

9. Le Gouverneur-Général peut accorder le congé avant l'expiration du terme indiqué à l'Article 3 (1) s'il le juge utile dans l'intérêt du service ou nécessaire à la santé de l'agent.

10. Des prolongations de congé au delà du terme de six mois peuvent être accordées en Europe par le Secrétaire d'État, s'il juge que la santé de l'agent l'exige.

11. La durée du congé est comptée à partir de la date fixée pour l'embarquement du fonctionnaire au Congo en destination de l'Europe, jusqu'à la date fixée pour son embarquement en Europe en destination du Congo.

12. Dans les huit jours de son arrivée en Europe, le fonctionnaire doit, à moins de permission spéciale, se présenter au siège du Département auquel il appartient.

Il doit, pendant la durée de son congé, se tenir à la disposition du Secrétaire d'État, qui peut le charger de collaborer aux travaux de son Département ou lui donner une besogne ou une mission spéciale.

13. Le fonctionnaire ou l'agent qui ne se conformerait pas à l'Article précédent, ou qui ne retournerait pas au Congo à l'expiration de son congé, serait considéré comme démissionnaire et perdrait ses droits au traitement de congé alloué par l'Article 27 ci-après.

Voyages.	1 ^{re} Classe.	2 ^e Classe.
	Fr. c.	Fr. c.
De Bruxelles à Anvers et vice versa ..	15 00	11,00
„ à Rotterdam „ ..	30 00	22 00
„ à Flessingue „ ..	..	..
„ à Lisbonne „ ..	500 00	350 00
„ à Liverpool „ ..	125 00	100 00
„ au Havre „ ..	..	..
„ à Hambourg „ ..	..	..

Si l'agent était embarqué ailleurs qu'en Belgique, ou s'il devait s'embarquer ou débarquer en Europe ailleurs que dans l'un des ports indiqués ci-dessus, l'indemnité serait fixée par décision spéciale de l'autorité compétente.

Il appartient également à l'autorité compétente de déterminer la classe dans laquelle le fonctionnaire effectuera le voyage.

19. Le Secrétaire d'État à Bruxelles et le Gouverneur-Général au Congo indiquent respectivement, à chaque fonctionnaire ou agent, la voie qu'il doit suivre pour se rendre au Congo et pour revenir en Europe.

Ils peuvent autoriser le fonctionnaire qui en fait la demande à suivre telle autre voie qui serait mieux à sa convenance personnelle, mais, dans ce cas, le supplément de dépenses qui en résulte est à sa charge exclusive de l'agent, et l'indemnité mentionnée au troisième alinéa de l'Article 17 est liquidée en conséquence.

Traitement des Agents en Afrique.

20. Le traitement alloué aux agents en Afrique est fixé par le Secrétaire d'État.

21. Indépendamment du traitement, l'État fournit à ses agents en Afrique le logement et la nourriture dans les conditions que portent les circonstances et les localités où ils doivent séjourner.

Le Gouvernement se réserve de remplacer la nourriture par une indemnité dont il fixera éventuellement le montant.

22. Aucune augmentation de traitement n'est accordée aux fonctionnaires ou agents qui laissent à désirer, sous un rapport quelconque, dans l'accomplissement de leurs devoirs.

23. Le traitement cesse d'être dû, pour les agents démissionnaires, démissionnés ou révoqués, à partir du jour de la cessation des fonctions. (Voir pour les agents révoqués, l'Article 1^{er}, litt. (D), du Règlement Disciplinaire du 16 Avril, 1887.)

24. Toutefois, dans les cas prévus par les Articles 5 et 6, les fonctionnaires et agents démissionnaires ou démissionnés, s'ils reviennent

directement en Europe, jouissent de leur traitement d'Afrique jusqu'à la date de leur embarquement au Congo, et de la moitié de ce traitement jusqu'à la date de leur débarquement en Europe; ce demi-traitement n'est dû, en aucun cas, au delà du trentième jour qui suit la date d'embarquement.

24. Pour les employés décédés au service de l'État, le traitement cesse à partir du jour du décès.

25. Des dispositions spéciales règlent le mode de liquidation du traitement des fonctionnaires.

Le montant de ce traitement ne leur est dû et ne leur est payé pendant qu'ils sont au service de l'État, que jusqu'à concurrence de 50 pour cent, sauf exception approuvée, dans chaque cas, par le Secrétaire d'État ou son délégué.

Toutes les sommes leur revenant à titre de traitement ou autrement, rendues payables sur la caisse du Trésorier-Général à Bruxelles, sont versées intégralement entre les mains des mandataires que ces agents ont constitués au moment de leur engagement. Il n'y a d'exception à cette règle absolue que dans le cas où l'État aurait des reprises à exercer à son profit.

En conséquence, il ne sera donné aucune suite à des autorisations ou demandes ayant pour objet des retenues à faire sur les sommes dues aux agents en Afrique, que ces autorisations ou ces demandes émanent des agents eux-mêmes ou des personnes envers lesquelles ils auraient contracté des engagements pécuniaires.

26. Les agents de l'État n'ont droit qu'à leur traitement et aux indemnités prévues par le présent Règlement. Toutes autres indemnités ou allocations, de quelque nature qu'elles soient et quel que soit le fonctionnaire qui les ait octroyées, ne sont dues qu'à la condition que les agents remplissent complètement leur terme de service et pour autant que le Gouvernement juge, à l'expiration de ce terme, qu'ils se sont acquittés de leurs devoirs envers l'État à la satisfaction du Gouvernement.

Traitement de Congé.

27. Les agents qui sont en congé conformément aux Articles 8 et suivants jouissent, pour la durée de ce congé (voir Article 11), d'un traitement dont le Secrétaire d'État détermine le montant dans la limite des crédits disponibles au Budget.

Ce traitement de congé n'est liquidé qu'après qu'ils se sont réembarqués pour le Congo; il est versé alors à leur réserve.

28. Si l'agent donne sa démission pendant la durée de son congé, ou s'il est considéré comme démissionnaire en vertu de l'Article 13, il perd le bénéfice du traitement de congé depuis la date de son débarquement en Europe.

Partie réservée du Traitement d'Afrique.

29. Le produit de la retenue de 50 pour cent opérée sur les traitements d'Afrique, conformément à l'Article 25, est placé par les soins de l'Administration Centrale à Bruxelles, à la Caisse d'Épargne de l'État.

30. Sont prélevées sur la réserve de chaque agent ou sur la partie du traitement destinée à constituer cette réserve, les sommes indiquées ci-après, pour autant que ces sommes ne puissent pas être retenues sur la partie du traitement mise à la disposition de l'intéressé, conformément au deuxième alinéa de l'Article 25 :—

(1.) Le montant des avances que l'État aura faites à un agent pour son équipement ou pour un autre usage personnel ;

(2.) Les sommes dont l'agent deviendrait redevable à l'État à un titre quelconque, par suite de responsabilités encourues dans l'exercice de ses fonctions. (Voir le dernier alinéa de l'Article 35.)

31. Lorsque le fonctionnaire revient en congé, le montant de sa réserve est mis à sa disposition, après qu'il a été constaté par le Secrétaire d'État qu'il ne peut plus y avoir aucun prélèvement à faire, par application de l'Article 29.

32. Lorsqu'un fonctionnaire meurt pendant qu'il est au service de l'État Indépendant ou avant d'avoir reçu le solde de sa réserve, ce solde est payé à ses héritiers, sur production de telles pièces justificatives que le Secrétaire d'État juge nécessaires et conformément aux stipulations du Décret du 28 Décembre, 1888, et de l'Arrêté du 31 Juillet, 1891.

33. La réserve avec ses intérêts accumulés constitue une part différée du traitement dont l'État reste seul propriétaire légal aussi longtemps qu'elle n'a pas été remise à l'agent ou à ses héritiers.

Les agents ni leurs représentants n'ont donc de ce chef, envers l'État du Congo, aucun droit susceptible de cession, de saisie ou d'un recours juridique quelconque.

L'Administration Centrale de l'État statue seule et sans recours sur toutes les questions auxquelles la constitution et la liquidation de la réserve de chaque agent peuvent donner lieu.

Étoile de Service.

34. L'Étoile de service est destinée à récompenser les agents qui se sont acquittés de leurs devoirs au Congo à la satisfaction du Gouvernement. Elle n'est pas accordée à ceux qui ont subi une punition marquante ou qui ont été frappés d'une condamnation judiciaire que le Secrétaire d'État estime devoir entraîner la privation de cette récompense.

Sont considérées comme punitions marquantes, la retenue du traitement au-dessus de quinze jours et les mesures disciplinaires mentionnées aux littéra (C) et (D) du Décret du 16 Avril, 1887.

En outre, l'Étoile de service ne sera pas décernée à ceux qui ne se seront pas conformés aux instructions du Gouvernement et spécialement aux prescriptions du présent Règlement.

Punitions.

35. Un Décret du 16 Avril, 1887, et un Arrêté du Gouverneur Général du 20 Juin, 1887, règlent les punitions qui peuvent être infligées aux agents et la procédure à suivre en matière disciplinaire.

Les retenues de traitement ou de salaire prévues par le Décret du 16 Avril, 1887, sont opérées sur la partie du traitement ou du salaire qui est payable en Afrique (Article 7 de l'Arrêté du 20 Juin, 1887).

En cas de révocation d'un agent, entraînant la perte de la moitié du traitement ou du salaire pendant la dernière année passée au service (Article 1^{er}, littéra (D), du Décret Disciplinaire), la somme qui doit être remboursée de ce chef à l'État est prélevée sur la réserve constituée au nom de l'agent révoqué.

Intérim.

36. Les agents chargés par le Gouverneur-Général de gérer intérimairement des emplois vacants, ou dont les titulaires sont momentanément absents ou empêchés, jouissent pendant la durée de leur intérim de la même autorité que les titulaires (Article 4 du Décret Organique du 16 Avril, 1887); leur rang hiérarchique est déterminé par le Gouverneur-Général (Article 2 du Décret du 6 Octobre, 1888); mais ils n'ont droit, dans aucun cas, au traitement afférent aux fonctions qu'ils remplissent par intérim.

Dispositions Finales.

37. Les dispositions du présent Règlement, à l'exception des prescriptions de l'Article 4, ne sont pas applicables au Gouverneur Général, au Vice-Gouverneur-Général, ni aux Inspecteurs d'État.

38. Les agents que le Gouverneur-Général engage au Congo ou à la côte d'Afrique ne tombent sous l'application des Articles 6 à 33 que dans la mesure qui sera déterminée par le dit Gouverneur-Général, lors de leur admission au service de l'État.

Bruxelles, le 10 Octobre, 1894.

EDM. VAN BETVELDE, *Secrétaire d'État.*

CONVENTION entre le Portugal et les Pays-Bas, pour l'Extradition des Malfaiteurs.—Signée à Lisbonne, le 19 Mai, 1894.

[Ratifications échangées à La Haye, le 19 Août, 1896.]

Sa Majesté le Roi de Portugal et des Algarves, et Sa Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine Régente du Royaume, ayant résolu d'un commun accord de conclure une nouvelle Convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Portugal et des Algarves, le Sieur Ernesto Rodolpho Hintze Ribeiro, du Conseil de Sa Majesté Très-Fidèle, Conseiller d'État, Grand-Croix de l'Ordre de la Tour et de l'Épée, de l'Ordre Militaire du Christ, de l'Ordre du Léon Néerlandais, &c., Président du Conseil et Ministre et Secrétaire d'État aux Départements des Finances et des Affaires Étrangères ;

Sa Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine Régente du Royaume, le Baron Jacob Dirk Carel de Heeckeren de Kell, son Ministre Résident près Sa Majesté Très-Fidèle ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement Portugais et le Gouvernement Néerlandais s'engagent à se livrer réciproquement d'après les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'État auquel l'extradition est demandée :

1.—(a.) Attentat contre la vie ou la liberté du Roi, de la Reine régnante, du Régent ou d'un autre Chef d'un État ami, ou entrepris dans le dessein de les rendre incapables de régner.

(b.) Attentat contre la vie ou la liberté de la Reine non régnante, de l'héritier présomptif du Trône ou d'un membre de la famille Souveraine.

2. Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant.

3. Menaces, faites par écrit et sous une condition déterminée, dans les cas prévus par la législation des deux pays.

4. Avortement, procuré par la femme enceinte ou par d'autres.

5. Sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation ou sévices graves.

6. Viol, attentat à la pudeur, le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au-dessous de l'âge de seize ans, ou avec une femme au-dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de seize ans, excitation d'une personne au-dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers.

7. Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays.

8. Bigamie.

9. Enlèvement, recel, suppression, substitution ou supposition d'un enfant.

10. Enlèvement de mineurs.

11. Contrefaçon ou altération de monnaie ou de papier-monnaie entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non contrefait et non altérés, ou mise en circulation de monnaie ou de papier-monnaie contrefait ou altérés, lorsqu'elle a lieu à dessein.

12. Contrefaçon ou falsification de timbres et des marques de l'état ou de marques d'ouvrier exigées par la loi, dans les cas prévus par la législation des deux pays.

13. Faux en écriture et usage fait à dessein de l'écriture faussee ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiées, lorsque l'auteur savait au moment où il les a reçus qu'ils étaient faux ou falsifiées.

14. Faux serment.

15. Corruption de fonctionnaires publics, dans les cas prévus par la législation des deux pays; concussion; détournement commis par des fonctionnaires ou par ceux qui sont considéré comme tels.

16. Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal en détriment de l'assureur ou du porteur légal d'un contrat à la grosse.

17. Destruction illégal commise à dessein d'un édifice appartenant en tout ou en partie à un autre, ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui.

18. Actes de violence commis en public, à forces réunies, contre des personnes ou des biens.

19. Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui.

20. Émeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leurs supérieurs.

21. Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer.

22. Vol.

23. Escroquerie.

24. Abus de blanc-seing.

25. Détournement.

26. Banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

II. L'extradition n'aura pas lieu :

1. Lorsque le fait a été commis dans un pays tiers, et que le Gouvernement de ce pays requiert l'extradition ;

2. Lorsque la demande en sera motivée par le même fait, pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée, et du chef duquel il y a été condamné, absous ou acquitté ;

3. Si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le Tribunal pour être entendu.

III. L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

IV. Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans un pays auquel l'extradition est demandée ; et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

V. L'individu extradé ne pourra être ni poursuivi ni puni, dans

le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente Convention et antérieur à son extradition, ni extradé à un État tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un fait punissable prévu par la Convention, antérieur à l'extradition, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article VII de la présente Convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine, ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

VI. Les dispositions de la présente Convention ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'Article I ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée, et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

VII. L'extradition sera demandée par la voie diplomatique, et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente Convention, ainsi que la disposition pénale qui lui est applicable.

VIII. Les objets saisis en la possession de l'individu réclamé seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

IX. En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente Convention pourra être demandée :

Du côté des Pays-Bas, par tout Officier de Justice, ou tout Juge d'Instruction (Juge Commissaire) ;

Du côté de Portugal, par tout Juge de Première Instance.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

X. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté si, dans le délai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

XI. Lorsque dans la poursuite d'une affaire pénale non politique un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une Commission Rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite en observant les lois du pays où les témoins seront invités à comparaître. En cas d'urgence toutefois une Commission Rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des États à l'autorité judiciaire dans l'autre État.

Toute Commission Rogatoire, ayant pour but de demander une audition de témoins devra être accompagnée d'une traduction Française.

XII. Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera avoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays ne pourra y être poursuivi ou détenu pour des faits ou condamnation criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

XIII. Lorsque dans une cause pénale non politique la confrontation de criminels détenus dans l'autre État, ou bien la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

XIV. Le transit à travers le territoire de l'un des États Contractants d'un individu livré par une tierce Puissance à l'autre Partie, et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VII, pourvu que le fait

servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles II et VI, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'État requérant.

XV. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des Commissions Rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et la restitution des pièces de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

XVI. Les stipulations de la présente Convention seront applicables aux Colonies et possessions étrangères des deux Hautes Parties Contractantes, mais, étant basées sur la législation de la mère-patrie, ces stipulations ne seront observées de part et d'autre que pour autant qu'elles seront compatibles avec les lois en vigueur dans ces Colonies et possessions.

La demande d'extradition du malfaiteur qui s'est réfugié dans une Colonie ou possession étrangère de l'autre Partie pourra aussi être faite directement au Gouverneur ou fonctionnaire principal de cette Colonie ou possession par le Gouverneur ou fonctionnaire principal de l'autre Colonie ou possession, pour autant que les deux Colonies ou possessions étrangères sont situées dans l'Asie ou l'Afrique Orientale.

Les dits Gouverneurs ou premiers fonctionnaires auront la faculté soit d'accorder l'extradition, soit d'en référer à leur Gouvernement.

XVII. La présente Convention ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution la Convention du 3 Avril, 1878,* cessera d'être en vigueur et sera remplacée par la présente Convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée, et les ratifications en seront échangées à la Haye dans le délai de dix mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double expédition à Lisbonne le 19^e jour du mois de Mai de l'an de grâce, 1894.

(L.S.) ERNESTO RODOLPHO HINTZE RIBEIRO.

(L.S.) KAREL VAN HEECKEREN.

CONVENTION de Commerce entre la Belgique et la Roumanie.

— Signée à Bucarest, le $\frac{1}{2}$ Janvier, 1894.

[Ratifications échangées à Bucarest, le $\frac{1}{3}$ Avril, 1894.]

SA Majesté le Roi des Belges et Sa Majesté le Roi de Roumanie, animés du même désir de consolider les liens d'amitié et de développer les relations commerciales entre les deux États, ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron Forgeur, Commandeur de l'Ordre de Leopold, Grand-Croix des Ordres de François Joseph, de la Couronne d'Italie, de l'Etoile Polaire et du Danebrog de Danemark, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Roumanie ;

Sa Majesté le Roi de Roumanie, M. Alexandre N. Lahovari, Grand-Croix de son Ordre de la Couronne de Roumanie, &c., son Ministre Secrétaire d'État au Département des Affaires Etrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des stipulations suivantes :—

ART. I. Les ressortissants, les navires et les marchandises produits du sol et de l'industrie de chacune des Hautes Parties Contractantes, jouiront dans les territoire de l'autre des privilèges, immunités ou avantages quelconques accordés à la nation la plus favorisée.

Il est entendu toutefois que la stipulation qui précède ne déroge en rien aux lois, ordonnances et règlements spéciaux en matière de commerce, d'industrie, de police, et de sûreté générale en vigueur dans chacun des deux pays et applicables à tous les étrangers en général.

II. Tous les objets, produits du sol ou de l'industrie de la Roumanie, qui seront importés en Belgique, et tous les objets, produits du sol ou de l'industrie de la Belgique, qui seront importés en Roumanie, destinés soit à la consommation, soit à l'entrepasage,

soit à la réexportation, soit au transit, seront soumis, pendant la durée de la présente Convention, au traitement accordé à la nation la plus favorisée, et nommément ne seront passibles de droits ni plus élevés ni autres que ceux qui frappent les produits ou marchandises de la nation la plus favorisée.

A l'exportation pour la Roumanie il ne sera pas perçu en Belgique, et à l'exportation pour la Belgique il ne sera pas perçu en Roumanie, des droits de sortie autres ou plus élevés qu'à l'exportation des mêmes objets pour le pays le plus favorisé à cet égard.

Chacune des Hautes Parties Contractantes s'engage donc à faire profiter l'autre, immédiatement, de toute faveur, de toute privilège ou abaissement de droits qu'elle a déjà accordés ou pourrait accorder par la suite, sous les rapports mentionnés à une tierce Puissance.

Les marchandises de toute nature provenant du territoire de l'une des Hautes Parties Contractantes ou y allant seront exemptes, dans le territoire de l'autre, de tout droit de transit. Le traitement de la nation la plus favorisée est réciproquement garanti à chacune des Parties Contractantes pour tout ce qui concerne le transit.

III. Les ressortissants de chacune des deux Hautes Parties Contractantes seront exemptes, dans le territoire de l'autre, de tout service ou impôt militaire et de toutes réquisitions extraordinaires qui seraient établies par suite de circonstances exceptionnelles.

Sont toutefois exceptées les charges qui sont attachées à la possession d'un bien-fonds, ainsi que les prestations et réquisitions militaires auxquelles tous les nationaux peuvent être appelés à se soumettre, comme propriétaires, fermiers ou locataires d'immeubles.

IV. Les deux Hautes Parties Contractantes se réservent respectivement la faculté de dénoncer à toute époque la présente Convention, en se prévenant une année à l'avance. Néanmoins, cette dénonciation ne pourra avoir lieu avant le 31 Décembre, 1895.

La présente Convention sera ratifiée, et les ratifications seront échangées à Bucarest aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double original à Bucarest, le 17 Janvier, 1894.

(L.S.) G. L. FORGEUR.

(L.S.) AL. LAHOVARI.

SPANISH ROYAL ORDER for carrying into effect the Commercial Declaration with the Netherlands of July 12, 1892.

[Published in the "Madrid Gazette," January 26, 1894.]

(Translation.)

SIR,

Ministry of Finance, Madrid.

As the Declaration respecting the Convention between Spain and the Netherlands, signed at Madrid on the 12th July, 1892,* and published in the "Madrid Gazette" of the 14th instant, comes into force on the 1st January next, His Majesty the King (whom God preserve), and in his name the Queen-Regent of the Realm, has been pleased, in conformity with the suggestion of your Department and the Report of the Commission on Commercial Conventions, to decree that for giving effect to the said compact, the Customs authorities be furnished with the following directions:—

1. In accordance with Article I of the Declaration, the manufactures and products of the Netherlands and the Dutch Colonies specified in the Tariff No. 1 annexed [to the said Declaration] shall be admitted into Spain and the adjacent islands so long as they are imported direct from the country of production on payment of the duties laid down in the said Tariff.

For the better interpretation of this injunction, the Customs authorities should bear in mind that the articles included in the above-mentioned Tariff are, with respect to the categories of the Customs Tariff, the following:—

No. 81.—Only tin in ingots, 11 pesetas per 100 kilog.

No. 86.—Only metallic capsules for bottles, 15 pesetas per 100 kilog.

No. 86.—Only tin in sheets, 22 pesetas per 100 kilog.

No. 96.—Only indigo, 15 pesetas per 100 kilog.

No. 116.—Only sulphate of ammoniac, 25 centimos per 100 kilog.

The Customs authorities should bear in mind that so long as the Law of the 26th July remains in force, and in view of its being subsequent to the date on which the Declaration was signed, the 10 centimos per 100 kilog. provided for in that Law should be levied instead of the duty prescribed in the Declaration.

No. 289.—Only butter, 40 pesetas per 100 kilog.

No. 321.—Only rum, 160 pesetas per hectol.

No. 321.—Only gin, up to 22 degrees Cartur ("Cartur"), 160 pesetas per hectol.

No. 322.—Only beer, 12 pes. 50 c. per hectol.

No. 328 and Regulation No. 14.—Only flower bulbs, free.

No. 335. Cheese, 25 centimos per kilog.

2. According to Article II of the Declaration, manufactures and products of Dutch origin, specified in Table No. 2 [annexed to the Declaration], have no special duties assigned to them, but enjoy most-favoured-nation treatment, and will, consequently, be subject to the duties established in the different Treaties and Conventions concluded or to be concluded.

These Articles correspond to the following categories of the Tariff:

Nos. 11 to 15.—All contained in those categories.

No. 28.—Idem.

No. 29.—Idem.

No. 89.—Only linseed oil.

No. 93.—Only Java quinine bark tragacant, benzoin, and gum copal.

No. 121.—All contained in the category.

No. 122.—Fæculæ of industrial utility, including potato, starch, and dextrine.

No. 126.—All contained in the category.

Nos. 159, 160, and Regulation No. 5, paragraph 10.—Only jute sacks.

No. 177.—Only flannel with cotton warp.

Nos. 197 to 212.—All contained in those categories.

Nos. 229 to 237.—Idem, including milch cows.

No. 238.—Idem, idem.

No. 241.—Idem, idem.

Nos. 263 to 268.—Idem, idem.

No. 306.—Only sugar.

No. 308.—Only ground cocoa and cocoa paste.

No. 310.—Only chicory, roasted or raw.

No. 311.—Only real cassia.

Nos. 314 and 315.—All contained in those categories.

No. 317.—Idem.

Nos. 320 and 321.—Idem.

No. 352.—Only Java indiarubber.

3. The concessions made by Spain to Portugal are not applicable to the Netherlands and her Colonies.

4. As the Convention concluded between Spain and Switzerland* comes into force on the same day as the above-mentioned Declaration, the benefits conceded in the former are applicable to the Dutch products referred to in the preceding Regulations; these benefits apply to the following articles:—

No. 177.—Flannel with cotton warp, 5 pesetas per kilog.

* July 13, 1892: Vol. LXXXIV, page 223.

No. 177.—The same, embroidered with raised work, 7 pesetas per kilog.

No. 201.—Books printed in Spanish, 50 pesetas per 100 kilog.

No. 203.—Engravings, maps, and drawings, 1 pes. 25 c. per kilog.

No. 234.—Milch cows, 25 pesetas each.

No. 263.—Agricultural machinery, 12 pes. 50 c. per 100 kilog.

No. 264.—Motive engines of all kinds, with or without boilers, and boilers alone, 17 pesetas per 100 kilog.

No. 265.—Locomotors and locomotives, marine engines and their boilers, and boilers alone, 24 pesetas per 100 kilog.

No. 266.—Machinery of copper and its alloys for industrial purposes and single parts, of the same metals, 44 pesetas per 100 kilog.

No. 267.—Sewing and hand-knitting machines, velocipedes, and their parts, 70 pesetas per 100 kilog.

For the application of these duties it should be borne in mind—

(1.) That they refer only to the mechanical part of the machines;

(2.) That only hand-knitting machines for making stockings are subject to the duty above referred to; and

(3.) That by the mechanical part of stocking-knitting machines is meant any arrangement or part serving for the performance, transmission, or working of the same, and that the tables, stands, or blocks on which these machines are mounted are, consequently, exempt from the duty of 70 pesetas, and are subject to those on the manufactured material of which they are constructed.

No. 268.—Machines and single parts of all other classes and materials, including those, other than manual, for making stockings and knitted goods, 18 pes. 50 c. per 100 kilog.

No. 268, *bis*.—Dynamo-electric machines, 18 pes. 50 c. per 100 kilog.

5. For the application of these duties and those specified in the Tariff No. 1 annexed [to the Declaration] on goods produced in the Netherlands and the Dutch Colonies, it will be necessary that they should be accompanied by a corresponding certificate of origin, if the categories of the Customs Tariff under which they are included exact this requisite.

6. In accordance with Articles I and II the said duties shall be applied when the goods are imported directly, and as it is laid down in Article V of the Declaration that importation with through bill of lading is equivalent to direct importation, the Customs authorities must bear in mind that by through bill of lading is meant that issued in the ports of origin for a port in the Peninsula and Balearic Isles, and by express consignment.

7. The products of the Dutch Colonies being included in the

Declaration, the Customs authorities will bear in mind that neither indigo, untanned hides, nor tea, even if proceeding from Europe, are subject to the charges laid down in the 4th Tariff so long as they are directly imported in conformity with the foregoing Regulation; but if not, that is, if the goods are not accompanied by a direct bill of lading, these charges must be levied.

8. As, however, there is nothing in the Hispano-Dutch Treaty which stipulates the contrary, all products of Dutch origin included in the 5th Tariff, attached to the existing Customs Tariff, shall pay the charges therein specified.

9. All products of Dutch or Dutch-Colonial origin not specified in Tables 1 and 2,* shall be subject to the duties of the 2nd Column of the Customs Tariff throughout the duration of the Declaration, in conformity with Article III of the same.

10. Samples of goods produced in Holland remain subject to the duties laid down in the Customs Tariff, no stipulation having been made with respect to them in the Declaration.

11. In order to judge of the effects of the Declaration between Spain and the Netherlands, the Customs authorities will carefully compile statistics of foreign trade from which they will abstract the importations from the Netherlands and enter them in continuation of each category of the Customs Tariff, together with a note of the duties levied.

By Royal Order, &c.

GAMAZO, *Director-General of Customs.*

TRAITÉ de Commerce et d'Établissement entre la Suisse et la Norvège.—Signé à Berne, le 22 Mars, 1894.

[Ratifications échangées à Berne, le 16 Juillet, 1894.]

LE Conseil Fédéral de la Confédération Suisse et Sa Majesté le Roi de Suède et de Norvège, animés du désir de resserrer les liens d'amitié et les rapports de commerce qui unissent la Suisse et la Norvège, ont décidé d'un commun accord de conclure à cet effet un Traité Spécial, et ont nommé pour leurs Plénipotentiaires, savoir:

Le Conseil Fédéral de la Confédération Suisse, M. Adrien Lachenal, Conseiller Fédéral, Chef du Département des Affaires Étrangères; et

* Annexes I and II of Declaration of July 12, 1892.

Sa Majesté le Roi de Suède et de Norvège, M. Guillaume-Christophe Christophersen, son Ministre Plénipotentiaire en Mission Spéciale, Commandeur de première classe de l'Ordre de Saint-Olave et de l'Ordre de Wasa, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I^{er}. Les ressortissants de la Suisse jouiront en Norvège et les ressortissants de la Norvège jouiront en Suisse, à tous égards, notamment en ce qui concerne l'établissement ou le séjour, et pourvu qu'ils se conforment aux lois du pays, du même traitement que les ressortissants de la nation la plus favorisée.

II. Tout citoyen de l'un des deux États qui voudra s'établir dans l'autre devra être porteur de certificats de nationalité, consistant en passeports pour les ressortissants Norvégiens et en actes d'origine ou en passeports pour les citoyens Suisses.

III. Les produits du sol et de l'industrie de la Norvège, de quelque part qu'ils viennent, seront admis en Suisse sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

Réciproquement, les produits du sol et de l'industrie de la Suisse, de quelque part qu'ils viennent, seront admis en Norvège sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

IV. Les Hautes Parties Contractantes s'engagent à n'établir, l'une envers l'autre, aucun droit ou prohibition d'importation ou d'exportation qui ne soit en même temps applicable aux autres nations.

Le traitement de la nation la plus favorisée est également réciproquement garanti à chacune des Hautes Parties Contractantes pour tout ce qui concerne la consommation, l'entrepôt, la réexportation, le transit, le transbordement de marchandises et le commerce en général.

V. Les voyageurs de commerce Suisses voyageant en Norvège pour le compte d'une maison Suisse pourront y faire des achats pour les besoins de leur industrie et recueillir des commandes avec ou sans échantillons, mais sans colporter de marchandises.

Ils seront traités, quant à la patente, comme les voyageurs de la nation la plus favorisée.

Il y aura réciprocité en Suisse pour les voyageurs de commerce de la Norvège.

Les objets passibles d'un droit d'entrée qui servent d'échantillons et qui sont importés par ces voyageurs de commerce jouiront, de part et d'autre, moyennant les formalités de douane nécessaires

pour en assurer la réexportation ou la réintégration en entrepôt, de la restitution des droits qui auront dû être déposés à l'entrée.

VI. Les stipulations du présent Traité ne sont pas applicables aux monopoles d'État ni aux mesures qui doivent assurer leur exploitation. Elles ne pourront pas non plus être invoquées en ce qui concerne les concessions spéciales accordées ou qui seront accordées par la Norvège à la Suède, ni en ce qui concerne les concessions que les Hautes Parties Contractantes ont accordées ou accorderont à l'avenir à des États limitrophes, en vue de faciliter les relations de frontière.

VII. Dans le cas où un différend sur l'interprétation ou l'application du présent Traité s'élèverait entre les Hautes Parties Contractantes et ne pourrait être réglé à l'amiable par voie de correspondance diplomatique, celles-ci conviennent de le soumettre au jugement d'un Tribunal Arbitral dont elles s'engagent à respecter et à exécuter loyalement la décision.

Le Tribunal Arbitral sera composé de trois membres. Chacune des deux Parties Contractantes en désignera un, choisi en dehors de ses nationaux et des habitants du pays. Ces deux Arbitres nommeront le troisième. S'ils ne peuvent s'entendre pour ce choix, le troisième Arbitre sera nommé par un Gouvernement désigné par les deux Arbitres, ou, à défaut d'entente, par le sort.

VIII. Le présent Traité entrera en vigueur le 1^{er} Août, 1894, et restera exécutoire jusqu'au 31 Décembre, 1903. Dans le cas où aucune des Parties Contractantes n'aurait notifié à l'autre, douze mois avant la fin de la dite période, son intention d'en faire cesser les effets, il continuera à être obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

IX. Le présent Traité sera soumis à l'approbation des Représentations Nationales des deux pays.

Il sera ratifié, et les ratifications en seront échangées à Berne le plus tôt possible.

En foi de quoi les Plénipotentiaires ont signé le présent Traité et l'ont revêtu de leurs cachets.

Fait à Berne, en double expédition, le 22 Mars, 1894.

(L.S.) LACHENAL.

(L.S.) W. CHRISTOPHERSEN.

PROTOCOLE FINAL.

Au moment de procéder à la signature du Traité de Commerce et d'Établissement conclu à la date de ce jour, les Plénipotentiaires des Hautes Parties Contractantes sont convenus de ce qui suit :—

1. Les poissons de Norvège, frais ou congelés, seront admis en Suisse en franchise de droits.

2. A l'entrée en Norvège, les objets d'origine ou de fabrication Suisse ci-après énumérés seront classés et taxés comme suit :—

	Unité.	Droits.
Farine lactée		Couronnes.*
Gaze de soie à bluter	Le kilog. ..	Exempte.
Bobinets et tulles de coton .. .. .	.. ..	5·00
Tissus de coton clairs, à rayures, à carreaux, damassés ou brochés, non compris les blondes ou dentelles, ainsi que les tissus de coton clairs brodés de toute espèce, à l'exception des broderies sur canevass ou sur confections .. .. .	.. ..	1·10
	.. ..	1·10

Les broderies de coton de toute espèce sur tissus de coton suivront le même régime que le tissu de fond.

Est considéré comme tissu clair celui dans lequel, sans tenir compte des broderies et autres ornements qui en recouvrent le fond, les fils du tissu sont écartés l'un de l'autre au minimum de l'épaisseur d'un des dits fils, ou, en cas de doute, quand un demi-mètre carré de ce tissu ne pèse que 20 grammes ou moins.

Seront considérés comme confections les objets cousus ou brodés servant de vêtement ou de parure, tels que voiles, manches, manchettes, si ces objets sont importés séparément, même quand ils sont inachevés et non encore appropriés à l'usage.

3. Le Traité de Commerce et d'Établissement conclu ce jour entre le Conseil Fédéral de la Confédération Suisse et Sa Majesté le Roi de Suède et de Norvège, de même que le présent Protocole, sont rédigés et signés en langue Française et en langue Norvégienne. Les deux textes doivent avoir le même sens et la même signification ; mais il est entendu que le texte Français fera règle dans le cas où des divergences d'interprétation viendraient à se produire sur le sens ou la portée d'une disposition quelconque du dit Traité ou du présent Protocole.

Le présent Protocole, qui sera considéré comme approuvé et sanctionné par les Parties Contractantes et sans ratification spéciale, par le seul fait de l'échange des ratifications du dit Traité, a été dressé, en double expédition, à Berne, le 22 Mars, 1894.

(L.S.) LACHENAL.

(L.S.) W. CHRISTOPHERSEN.

* Une couronne à 100 öre vaut environ 1 fr. 40 c.

*DECREE of the President of the French Republic extending to Algeria the provisions of the Law of the 8th August, 1893, respecting the Sojourn of Foreigners in France and the Protection of National Labour.—Paris, February 7, 1894.**

LE Président de la République Française,

Vu le Décret du 21 Juin, 1890,† concernant le séjour des étrangers en Algérie;

Vu la Loi du 8 Août, 1893,‡ relative au séjour des étrangers en France et à la protection du travail national;

Vu les propositions du Gouverneur-Général de l'Algérie, le Conseil de Gouvernement entendu;

Sur le rapport du Ministre de l'Intérieur et du Garde des Sceaux, Ministre de la Justice,

Décrète :

ART. 1. La Loi du 8 Août, 1893, relative au séjour des étrangers en France et à la protection du travail national, est rendue exécutoire en Algérie.

Sont néanmoins maintenues toutes celles des dispositions du Décret du 21 Juin, 1890, qui ne sont pas contraires à la dite Loi.

2. Le Ministre de l'Intérieur, le Garde des Sceaux, Ministre de la Justice, et le Gouverneur-Général de l'Algérie sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret.

Fait à Paris, le 7 Février, 1894.

CARNOT.

Par le Président de la République :

RAYNAL, *Ministre de l'Intérieur.*

ANTONIN DUBOST, *Garde des Sceaux,*

Ministre de la Justice.

* Notified in the "London Gazette" of February 16, 1894.

† Vol. LXXXII, page 1026.

‡ Vol. LXXXV, page 633.

*RAPPORT du Bureau International Maritime de Zanzibar.—
Zanzibar, Avril 1894.*

CONSTITUÉ par la désignation des Délégués de cinq des Puissances Signataires de l'Acte Général de la Conférence de Bruxelles, le Bureau International Maritime, dont l'institution a été réglée par les Articles LXXIV* et suivants du dit Acte, s'est réuni à Zanzibar, pour la première fois, le 9 Novembre, 1892.

Les Puissances ayant nommé leurs Délégués sont : l'Allemagne, l'Angleterre, la France, l'Italie, et le Portugal.

La Russie, qui avait notifié son intention de se faire représenter, n'a pas encore donné suite à son projet.

Quant à la Belgique, n'ayant pas, depuis deux ans, de Consul à Zanzibar, elle a remis à plus tard la désignation de son Représentant.

Deux autres des Gouvernements Signataires de l'Acte de Bruxelles, la Sublime Porte et la Perse, ont déclaré qu'ils ne comptaient pas envoyer de Délégués au Bureau.

Son Altesse le Sultan de Zanzibar n'a pas non plus nommé de Représentant.

Dans la séance préliminaire du 9 Novembre, 1892, à laquelle assistaient les cinq Délégués : MM. Anton, Consul d'Allemagne; Sir Gerald Portal, Agent et Consul-Général d'Angleterre; Labosse, Consul, Gérant du Consulat de France; Cottoni, Gérant du Consulat d'Italie; A. Bras de Souza, Consul-Général de Portugal; il fut procédé à l'organisation intérieure du Bureau par l'élection d'un Président et d'un Vice-Président, et par la nomination d'un Secrétaire pris en dehors des membres.

Sir Gerald Portal avait été élu Président et M. L. Labosse Vice-Président. Les fonctions de Secrétaire furent confiées à M. Blanchon, Drogman-Chancelier du Consulat de France.

Le départ en mission dans l'Ouganda de Sir Gerald Portal, au mois de Janvier, 1893, modifia la composition du Bureau. Il fut remplacé comme Délégué Anglais par Mr. Rennell Rodd, chargé pendant son absence de l'Agence et du Consulat-Général Britannique. La Présidence fut donnée à M. Labosse et la Vice-Présidence à M. Anton.

Mr. R. Rodd, obligé de partir pour raison de santé au commencement du mois de Novembre, 1893, a été à son tour remplacé par Mr. Cracknall, Consul-Juge, devenu en même temps Agent et Consul-Général par intérim.

Le Bureau a eu déjà malheureusement à déplorer la mort de deux de ses membres qui avaient pris part à sa fondation : M. Cottoni, Délégué Italien, mort à Zanzibar au mois de Novembre

1893, après un séjour de vingt-neuf ans dans l'Océan Indien, et Sir Gerald Portal, décédé en Angleterre dans le courant du mois de Janvier 1894, enlevé prématurément par une maladie dont il avait sans doute contracté les germes pendant les fatigues de son voyage dans l'Ouganda. Leur souvenir subsistera dans la mémoire de ceux qui, les ayant connus, ont pu apprécier leur aménité et la franchise de leur amitié et dont ils s'étaient acquis toutes les sympathies.

A M. Cottoni a succédé comme Délégué Italien M. Filonardi, titulaire du Consulat d'Italie, qui a pris part aux dernières séances.

La difficulté de trouver une maison convenable a mis jusqu'ici le Bureau dans l'impossibilité de pourvoir à son installation même provisoire. L'Agence Britannique et le Consulat d'Allemagne ont été successivement les lieux de réunion, et les archives, déposées d'abord au Consulat-Général d'Angleterre, ont été par la suite transportées au Consulat de France, où elles sont encore maintenant. Bientôt cependant le Bureau aura une installation définitive. Il pourra, vers le mois de Juin, prendre possession d'une maison que le Gouvernement de Son Altesse le Sultan vient de faire construire et pour la location de laquelle les Délégués ont été d'accord.

Le Bureau International avait tout d'abord à élaborer un Règlement fixant le mode d'exercice de ses attributions, ainsi que le prescrit l'Article LXXV de l'Acte Général de Bruxelles.

Un premier Projet fut préparé dans ce but et communiqué à chacun des Délégués pour l'étudier. Il fut discuté dans la troisième séance, tenue le 1^{er} Décembre, 1892, et servit de base à l'établissement du projet définitif dont la sanction était réservée aux Puissances intéressées.

Deux points dans la discussion avaient un intérêt particulier en ce qu'ils se rapportaient à l'étendue de l'action du Bureau International.

Premier point : L'Article IV de l'Avant-Projet donnant au Bureau le droit d'entrer en relations avec les autorités territoriales ou étrangères pour demander ou transmettre toutes communications et renseignements ayant rapport à la Traite des Esclaves, le Délégué Allemand, M. Anton, émit des doutes sur le point de savoir si les Puissances réunies à la Conférence de Bruxelles avaient entendu accorder un pareil droit au Bureau. Il basait sa remarque sur ce qu'une telle communication directe n'est prévue par l'Acte Général que dans un cas spécial, celui de l'Article XLVIII, où il est dit : "Un résumé de ce Rapport" (Rapport que doit faire à son Gouvernement, aux termes de l'Article XLVII, tout Commandant de bâtiment de guerre qui aurait arrêté un navire sous pavillon étranger), "ainsi qu'une copie du procès-verbal dressé par l'officier envoyé à bord du navire arrêté, seront le plus tôt possible expédiés au Bureau International de renseignements, qui en donnera com-

munication à l'autorité Consulaire ou territoriale la plus proche de la Puissance dont le navire arrêté en route a arboré le pavillon."

Tout en exprimant ses doutes, le Délégué Allemand était cependant d'avis de reconnaître un pareil droit au Bureau pour qu'il pût bien accomplir les fonctions à lui conférées.

Ce fut aussi l'opinion de tous les Délégués, et cette règle fut inscrite dans le projet définitif de Règlement comme Article VIII, sous la forme suivante :—

"Le Bureau entrera en relations directes, chaque fois qu'il sera nécessaire, avec les autorités territoriales ou Consulaires pour demander ou transmettre toutes communications et renseignements ayant rapport à la Traite des Esclaves, &c."

Deuxième point : Le Bureau pouvait-il prendre l'initiative pour se procurer les documents énumérés à l'Article LXXVII de l'Acte Général ? Le Délégué Allemand ne croyait pas qu'on pût lui reconnaître ce droit, attendu que les Puissances s'étaient engagées à lui faire parvenir dans le plus bref délai possible les documents en question. Il estimait que, dans ces conditions, le Bureau devait attendre l'exécution des engagements pris par les Puissances, et qu'étant donnée sa mission, qui consiste à centraliser tous les documents et renseignements de nature à faciliter la répression de la Traite, son rôle devait se borner à recueillir dans ses archives les documents énumérés à l'Article LXXVII.

Cette manière de voir ne fut pas partagée par les autres Délégués. Il leur sembla que le Bureau International pouvait, sans manquer au respect dû aux Puissances, prendre l'initiative pour se procurer toutes les pièces et documents dont il peut avoir besoin.

L'Article V de l'Avant-Projet, objet de la discussion, fut donc conservé sous sa première forme comme Article VII du Projet Définitif :—

"Les Délégués fourniront au Bureau International la liste des boutres naviguant sous le pavillon de leur nation respective, avec copies certifiées de toutes autorisations d'arborer le pavillon, ainsi que l'avis du retrait dont ces autorisations pourraient être l'objet."

A la suite de ce paragraphe on intercala seulement, sur la proposition de M. Anton, la règle suivante :—

"Le Bureau dressera des listes par nationalité de ces autorisations et de ces avis de retrait."

Et l'Article fut terminé comme dans l'Avant-Projet :—

"Les Délégués s'occuperont en outre de fournir les modèles-types des documents spécifiés à l'Article XLI de l'Acte de Bruxelles et toutes les autres pièces énumérées dans l'Article LXXVII du même Acte."

La discussion du Projet de Règlement avait occupé toute la troisième séance.

Une révision d'ensemble en fut faite à la séance suivante, le 19 Décembre, 1892, après une remarque du Délégué Allemand relevant une omission ; on avait oublié de faire mention du sceau dont l'adoption avait été décidée. Ce sceau porte en exergue : "Bureau International Maritime de Zanzibar," avec une ancre au milieu, et de chaque côté de l'ancre, les mots : Novembre 1892." Un paragraphe fut intercalé dans l'Article IV traitant de la comptabilité, pour réparer cette omission.

Le Projet de Règlement alors définitivement arrêté, fut adressé, avec le devis des frais établi par le Bureau dans sa seconde séance, à M. le Ministre des Affaires Étrangères de Belgique, par lettre en date du 31 Décembre, 1892, pour qu'il voulût bien les approuver et les soumettre à l'approbation des Puissances Signataires de l'Acte de Bruxelles.

En accusant réception de cet envoi au Président du Bureau, le 14 Mar, 1893, M. le Comte de Mérode-Westerloo signalait l'interprétation inexacte faite par les Délégués des dispositions de l'Acte Général relatives à la matière, d'abord en soumettant le Règlement à l'approbation du Gouvernement Belge, et, en second lieu, en considérant le Gouvernement Belge comme intermédiaire entre le Bureau de Zanzibar et les Puissances.

M. le Comte de Mérode appuyait sa rectification sur l'Article LXXV de l'Acte de Bruxelles, qui porte que le Règlement élaboré par le Bureau de Zanzibar "sera soumis à la sanction des Puissances Signataires qui auront notifié leur intention de s'y faire représenter et qui statueront à cet égard dans le plus bref délai possible."

Le Gouvernement Belge ayant déclaré qu'il ne comptait pas se faire représenter provisoirement au Bureau, il ne lui appartenait donc pas de se prononcer sur le Règlement.

L'Article XII du Projet de Règlement, aux termes duquel le Consul de Belgique ou la personne qui en remplirait les fonctions était chargée de fournir mensuellement les fonds nécessaires aux dépenses fixes et éventuelles du Bureau, provoqua également une observation de la part de M. le Ministre des Affaires Étrangères de Belgique. Il faisait remarquer que le Gouvernement Belge, qui avait consenti à faire l'avance des frais du Bureau spécial prévu par l'Article LXXXII de l'Acte Général, n'avait pas assumé une pareille obligation en ce qui concerne le Bureau Maritime, et que c'était aux Puissances représentées à ce dernier Bureau qu'il appartenait de se concerter pour régler le mode de liquidation de ses dépenses. Il demandait donc que le Règlement fût modifié sur ce point et soumis ensuite directement à la sanction des Puissances représentées.

Lecture de la lettre de M. le Comte de Mérode-Westerloo fut

faite au Bureau par le Président dans la séance du 5 Mai, 1893 (neuvième séance).

Le Bureau crut devoir exposer dans une lettre applicative, en date du 15 Mai, 1893, que les documents envoyés à Bruxelles avaient été adressés à M. le Ministre des Affaires Étrangères, non pas en sa qualité de membre du Gouvernement Belge, mais comme chef du Ministère auquel est rattaché le Bureau spécial de Bruxelles. Les Délégués s'appuyaient, en outre, sur les dispositions contenues dans l'Annexe 5, Protocole No. 15, de la Conférence du Bruxelles, où il est dit :—

“ Le Conseil d'Administration du Bureau de Bruxelles exercera un droit de contrôle sur la gestion administrative et financière du Bureau International de Zanzibar, ainsi que des agences auxiliaires. Il en approuve le Règlement organique et le budget et pourvoit à la liquidation des dépenses qui y sont prévues.”

Cette interprétation fit l'objet d'une rectification de la part de M. le Comte de Mérode-Westerloo. Par une lettre en date du 5 Juillet, 1893, celui-ci fit remarquer que le Projet de Bureau Central à ériger à Bruxelles avec Conseil d'Administration n'avait pas reçu la sanction des Puissances; que le Bureau de Bruxelles, tel que l'a établi la Conférence, n'avait ni un droit de contrôle sur la gestion du Bureau de Zanzibar, ni l'approbation de son Règlement organique et de son budget, ni la liquidation de ses dépenses; que par suite ces diverses questions devaient être traitées directement par le Bureau de Zanzibar avec les Puissances qui y sont représentées et qui ont seules compétence pour y répondre.

Cependant, à la suite des difficultés soulevées à propos de la constitution du Bureau International et de l'élaboration de son Règlement, et après un échange de vues avec plusieurs des Puissances intéressées, le Gouvernement Belge accepta de reviser le Règlement de ce Bureau.

Le projet préparé à Bruxelles fut approuvé par les Puissances intéressées et le texte en fut transmis avec le devis des frais, le 29 Décembre, 1893, au Bureau International par M. le Ministre des Affaires Étrangères de Belgique. On le trouvera annexé au présent Rapport.

Il fut communiqué par le Président du Bureau dans la séance du 9 Février, 1894, et sa mise en vigueur fut immédiatement décidée.

Un commis fut engagé dans cette même séance.

Il ne reste plus maintenant au Bureau qu'à prendre possession de la maison que lui fait préparer le Gouvernement de Zanzibar, pour être à même de donner à son œuvre tout le développement désirable.

Désireux d'apporter leur concours le plus entier à l'œuvre

humanitaire poursuivie par toutes les nations, les Délégués ont pris et arrêté, au cours de leurs travaux, plusieurs résolutions ou propositions exposées ci-après :—

1^{er}. La question a été soulevée de savoir si le Bureau pouvait, sans excéder son mandat, solliciter des Gouvernements Signataires de l'Acte de Bruxelles la transmission des dispositions législatives déjà existantes ou promulguées nouvellement en vue de la répression des faits de Traite. Le Délégué Allemand jugeait qu'une telle demande du Bureau ne serait peut-être pas opportune, les Gouvernements s'étant engagés à se communiquer les Lois ou Décrets existant anciennement ou promulgués en exécution de l'Article V de l'Acte de Bruxelles. C'était le même cas que celui s'était présenté lors de la discussion de l'Article IV de l'Avant-Projet de Règlement.

Les autres membres pensaient qu'il était bon que le Bureau pût prendre l'initiative de provoquer l'envoi des pièces et documents pouvant avoir quelque utilité pour ses archives.

2. L'attention des Délégués ayant été appelée sur les incon vénients qui peuvent résulter de la diversité, suivant les juridictions, des pénalités applicables aux simples contraventions commises par les boutriers aux dispositions de l'Acte de Bruxelles, il leur sembla qu'il y aurait tout avantage à ce que les Gouvernements intéressés pussent s'entendre afin d'adopter un même système de pénalités pour les contraventions, et ils décidèrent d'émettre un vœu dans ce sens et de soumettre ces deux questions, traitées dans une même séance, à l'appréciation des Puissances représentées au Bureau, par l'intermédiaire de M. le Ministre des Affaires Étrangères de Belgique, auquel une lettre fut en conséquence adressée le 24 Mars, 1893.

Aucune mesure n'a été prise jusqu'ici à ce sujet.

A la suite de la proposition relative aux pénalités, M. Anton, le Délégué d'Allemagne remit au Bureau la copie d'un règlement édicté par le Gouverneur Impérial de l'Afrique Orientale Allemande pour assurer l'exécution des prescriptions contenues dans les Articles XXXI à XL de l'Acte Général de Bruxelles. Les peines, déterminées à l'Article XIII de ce Règlement, dont sont passibles les boutriers en cas de contraventions, sont au maximum d'un mois de prison et de cent roupies d'amende, ou de l'une ou l'autre de ces deux pénalités seulement.

3. L'Acte Général de Bruxelles ne définissant pas la forme à donner aux avis de retrait qui doivent être fournis au Bureau en cas d'annulation d'un titre de navigation précédemment délivré à un boutre, et pour répondre à la proposition faite par le Délégué Français et admise par tous les membres de créer un modèle-type général qui serait annexé à la copie du titre annulé, M. Anton

présenta une formule s'appliquant aux retraits ou aux changements de pavillons et dans laquelle était mentionné le motif du retrait.

L'utilité de cette mention fut contestée par la raison que l'Acte de Bruxelles ne l'exige pas.

Après discussion sur ce point, on arrêta que les autorités qui ordonneront le retrait pourront en indiquer les motifs, si elles le jugent à propos, sous forme d'observations.

Cette modification admise, on adopta donc le modèle proposé contenant les indications suivantes : nom du boutre, nom du capitaine, port d'attache, lettre et numéro du boutre, date de l'autorisation, autorité qui a accordé l'autorisation, autorité qui la retire, date de la décision de retrait, observations.

4. On sait qu'aux termes de l'Article XLIV, paragraphe 2, de l'Acte de Bruxelles, la vérification des papiers de bord, pour les bâtiments (de moins de 500 tonneaux) autres que les bâtiments indigènes, consiste dans l'examen des "pièces stipulées dans les différents Traités ou Conventions maintenus en vigueur." Les instructions aux officiers de la marine Britannique sur l'application de l'Acte Général de Bruxelles, publiées dans le Recueil des Documents relatifs à la répression de la Traite (année 1892), en rappelant ces dispositions, pages 267 et 268 du Recueil, ajoutent :—

"Des listes imprimées de ces documents (ceux dont doivent être munis les bâtiments non indigènes) seront fournies par le Bureau International de Zanzibar. Vous vous adresserez donc au dit Bureau à l'effet d'obtenir ces listes, et vous agirez suivant les indications qui y sont contenues."

Le Délégué Allemand ayant attiré l'attention des autres Délégués sur ce passage, faisait remarquer que la formation de telles listes n'est pas prévu par l'Acte de Bruxelles, et qu'il serait par suite impossible en l'état au Bureau de répondre à une pareille demande.

Il posa à cette occasion les deux questions suivantes, à savoir :—

(1.) S'il appartient au Bureau d'établir quels sont les documents visés à l'Article XLIV, paragraphe 2, de l'Acte de Bruxelles.

(2.) Si le Bureau est tenu de faire imprimer les listes de ces différents documents pour les mettre à la disposition des diverses marines.

Tous les membres se prononcèrent pour l'affirmative sur la première question. Ils pensèrent que le Bureau ayant pour mission de recueillir tous les renseignements propres à faciliter la répression de la Traite, il était de son devoir de se renseigner sur la nature des pièces visées à l'Article XLIV.

En ce qui touche à la deuxième question, tout en notant que l'obligation de fournir aux officiers de marine les listes dont parlent les instructions précitées n'est inscrite nulle part, les Délégués

furent d'accord pour reconnaître qu'il serait néanmoins utile de dresser ces listes, et une résolution fut prise tendant à ce que chacun des membres s'adressât à son Gouvernement pour savoir quelles sont les pièces dont doivent être munis, d'après les Traités ou Conventions encore en vigueur, les bâtiments non indigènes et sur lesquelles doit porter la vérification des papiers de bord, afin que le Bureau fût à même d'en établir les listes.

M. Anton a fait connaître dernièrement, dans la séance du 24 Mars, 1894, la réponse du Gouvernement Impérial Allemand, qu'il avait consulté à la suite de cette décision. En ce qui regarde l'Allemagne, il s'agit d'un seul Traité, conclu le ^{30 Décembre, 1841} ^{29 Mars, 1879} * avec la Grande-Bretagne, l'Autriche-Hongrie, la Russie, et la Belgique, au sujet de la suppression de la Traite des Esclaves. Mais ce Traité ne spécifiant pas les pièces à produire, au cas de visite d'un bâtiment suspect, l'officier enquêteur a le droit de se faire présenter tous les documents dont doit être régulièrement muni un navire Allemand, soit :—

(a.) Les pièces justifiant de l'identité et de la nationalité du bâtiment : certificat de mesurage, certificat d'enregistrement, et extrait de ce certificat, titre de navigation ;

(b.) Les papiers de bord ; journal du bord et rôle d'équipage ;

(c.) Lorsqu'il y a une cargaison : les chartes-parties, connaissances, manifestes, et factures.

5. Le Bureau International s'est encore occupé d'une question importante à l'étude de laquelle il a consacré ses soins à différentes reprises pendant l'année 1893, et qui a fait l'objet de sa part d'une proposition arrêtée dans une de ses dernières séances, au mois de Février, 1894, pour être transmise ensuite par chacun des Délégués à leurs Gouvernements respectifs.

L'initiative en revient à Sir Gerald Portal qui souleva la question dans un rapport sur les méthodes adoptées pour la suppression de la Traite, par application des dispositions de l'Acte Général de Bruxelles relatives à l'enregistrement des boutres, rapport dont il sera parlé en détail plus loin.

Après avoir remarqué incidemment, en parlant du tonnage des bâtiments indigènes, que chaque autorité de la Côte Orientale d'Afrique suit une méthode différente et particulière à elle pour mesurer les boutres, Sir Gerald Portal estimait qu'il y aurait grande simplification si le Bureau International faisait choix d'une échelle de mesurage unique dont il recommanderait l'adoption à toutes les administrations établies dans la zone déterminée dans l'Acte de Bruxelles (Article XXI).

Cette idée reçut l'approbation de tous les membres du Bureau

* Vol. XXX, page 269 ; and Vol. LXX, page 34.

qui y virent un moyen de faciliter le contrôle de l'identité des boutres.

Le Délégué Français, M. Labosse, proposa alors de soumettre à l'acceptation des Gouvernements intéressés dans la question, la méthode recommandée par la Commission Internationale du tonnage, réunie à Constantinople en 1873 et usitée au Canal Maritime de Suez, pour les barques Arabes transitant dans le Canal. Il remit à quelque temps de là tous les renseignements nécessaires que lui avait fait parvenir sur sa demande l'Administration du Canal.

D'après ce système, les quantités à prendre pour le jaugeage sont la longueur maxima (L), la largeur (I), et le périmètre (c) mesuré jusqu'aux parties supérieures du bordé pour les barques non pontées, et à partir du pont supérieur pour les boutres pontés, mais dans tous les cas à la plus grande largeur du bateau. Ces trois quantités connues, la jauge brute s'obtient par la formule :

$$J = 0.17 L \frac{I \times c^2}{2}$$
 qui donne le volume en mètres cubes ou en pieds cubes, suivant que les mesures sont prises en mètres ou en pieds. Il suffit alors, pour obtenir le tonnage brut, de diviser le volume donné par la formule ci-dessus par 100 si les mesures ont été prises en pieds et par 2.83 si elles ont été prises en mètres.

Mais il fallait, avant de prendre une décision, savoir si la méthode proposée était applicable aux boutres dont la construction diffère de celle des embarcations qui transitent dans le Canal de Suez. On avait alors décidé de remettre l'examen de cette question à une Commission composée d'au moins trois officiers de marine de nationalités différentes.

Il ne put pas être donné suite à cette idée parce que la formation d'une telle Commission dépendait naturellement de la présence en rade de trois navires de guerre étrangers, et que cette coïncidence pouvait être longue à se produire. D'autre part, le Délégué Allemand et le Délégué Anglais firent connaître que les Commandants de leurs navires, auxquels ils en avaient déjà parlé, n'étaient pas favorables à la formation de cette Commission, trouvant que donner leur avis dans le cas présent, serait prendre une responsabilité dans les propositions à faire par le Bureau. Le Commandant Campbell, du navire Anglais *Philomel*, ajoutait qu'il employait le système de mesurage prescrit par l'Amirauté et qu'il ne pouvait par suite pas en approuver un autre.

Le Délégué Français fit remarquer à ce propos qu'il n'était pas question pour les officiers de marine d'approuver un système nouveau : le rôle de la Commission devait se borner à examiner si le système adopté pour le Canal de Suez pouvait s'appliquer ou non aux boutres, la décision devant appartenir ensuite aux Gouvernements intéressés.

La question fut soumise au Commandant du croiseur Français *Hugon*, à ce moment-là en rade, et ensuite au Commandant du navire de guerre Italien *Stafetta*.

Le Commandant Incoronato, de la *Stafetta*, estimait que la formule du Canal de Suez était d'une application difficile aux boutres; il expliquait, dans la lettre communiquée au Bureau par le Délégué Italien M. Cottoni, que les grandes barques Arabes non pontées ayant à la poupe de grandes toitures, on obtient le tonnage seulement avec une grande approximation, attendu qu'il n'est pas tenu compte du volume de ces toitures qui devrait être ajouté à la valeur obtenue au moyen de la formule précitée; que si les barques ont la poupe large et la proue longue et effilée, la valeur obtenue est supérieure à ce qu'elle devrait être en réalité. Toutefois, le Commandant Italien ajoutait que cette formule pourrait être admise à la rigueur en raison de la célérité avec laquelle il est possible de prendre la valeur des trois quantités, et de la simplicité de la formule qui, divisée par 2.83, donne le tonnage de jaugeage.

Suivant l'opinion du Commandant Denis, du croiseur Français *Hugon*, la formule adoptée par la Compagnie du Canal de Suez donne des résultats trop forts pour les boutres, ce qui s'explique si l'on compare les formes de l'avant à celles des bâtiments ordinaires:—

“ D'après des calculs qui ne peuvent être qu'approximatifs, disait la note du Commandant Denis, le coefficient 0.17 devrait être remplacé pour les boutres par 0.16 et en chiffres ronds, il faudrait réduire de un-vingtième le résultat donné par la formule du Canal de Suez.”

La question en était là lorsque le Délégué Allemand, M. Anton, demanda que, avant d'arrêter une proposition, chacun des Délégués fit connaître le mode de jaugeage employé par les autorités de la Puissance représentée par lui, les divers systèmes devant ensuite être appliqués par une même personne à un même boutre, afin qu'on pût se rendre compte de la différence des résultats.

Cette motion adoptée, et sur l'invitation du Bureau, le Capitaine le Page Agneid, Capitaine du port de Zanzibar, voulut bien se charger de faire l'application de chaque formule sur trois boutres de formes différentes.

Certaines des méthodes, la méthode Allemande et la méthode Française, donnent un tonnage très inférieur à celui obtenu avec la méthode adoptée par la Commission Internationale de Constantinople, ainsi qu'avec celle employée à Zanzibar pour les boutres Anglais et du Sultan, et celle employée à Bombay, cette dernière donnant le tonnage le plus élevé.

Après examen des résultats fournis par les différents systèmes, le Délégué Italien, M. Filonardi, jugeant que la méthode unifiée au

Canal de Suez donnait un tonnage trop élevé pour des bâtiments tels que les boutres, mais pensant que le principe de ce mode de jaugeage était le meilleur, en proposait l'adoption avec certaines modifications destinées à en rendre l'application aux boutres plus exacte; c'est ainsi qu'il estimait que le coefficient 0.17 devait être remplacé par 0.13, et qu'au lieu de calculer la grande longueur il était préférable de prendre la longueur moyenne. D'où la formule

$$T = 0.13 \frac{L + l}{2} \frac{B + G}{2},$$
 L désignant la plus grande longueur, l la longueur de la quille, B (breadth) la plus grande largeur, G (girth), le périmètre extérieur pris d'un bord à l'autre.

Le Capitaine du port présent à la discussion et M. Anton objectèrent la difficulté que présente le mesurage de la longueur de la quille quelquefois pour les marins eux-mêmes, ajoutant qu'il était à craindre que de simples employés de la Douane, ne possédant pas de connaissances spéciales, ne sussent pas bien prendre toutes les mesures nécessaires pour l'application de la formule en question, qu'ils trouvent en outre trop compliquée comme calculs.

Tenant compte de toutes ces objections, M. Filonardi a présenté, dans la séance du 9 Mars, 1894, une nouvelle formule, qui, a-t-il fait observer, ne donne pas un tonnage absolument exact, mais suffisamment approximatif et ayant l'avantage d'être d'une application très facile. Le Bureau, après examen, a décidé d'en proposer l'adoption aux Puissances intéressées, arrêtant en même temps que chaque Délégué soumettrait directement la question à son Gouvernement.

Les mesures à déterminer sont la grande longueur L, la largeur en dedans des bastingages B, la profondeur prise au centre du boutre, du pont jusqu'à la quille (d), que l'on multiplie entre elles, divant le produit par 5.18 s'il s'agit de mesures métriques et par 163 s'il s'agit de pieds Anglais, comme il est établi dans la note explicative suivante remise au Bureau par M. Filonardi:—

Method to be proposed to the Bureau International.

$$\text{Formules} \begin{cases} \text{Métriques mesures Tonn} = \frac{L \cdot b \cdot d}{5.18} \\ \text{English measures Tonn} = \frac{L \cdot b \cdot d}{163} \end{cases}$$

L. = greatest length.
b. = greatest breadth (inside measurement).
d. = depth (inside measurement).

Métriques Measures.

Length.	Breadth.	Depth.	Tonn.
11.86	x 3.05	x 1.83 = 66.19	: 5.18 12.75
10.67	x 2.74	x 1.52 = 44.48	: 5.18 8.57
10.67	x 3.35	x 1.52 = 54.61	: 5.18 10.54

English Measures.

Length.		Breadth.		Depth.	Tonn.
39	x	10	x	6 = 2340 : 183	12·78
35	x	9	x	5 = 1575 : 183	8·60
35	x	11	x	5 = 1925 : 183	10·51

Telles sont les principales questions dont s'est occupé jusqu'ici le Bureau, et à la suite de l'examen desquelles il a pris les résolutions et arrêté les propositions qui viennent d'être exposées plus haut.

Il est bon maintenant de dire quelques mots de la composition du Bureau International principalement au point de vue des documents dont l'Acte Général de Bruxelles prescrit la centralisation à ce Bureau.

Les Délégués n'ont pas manqué de remettre au Bureau les modèles-types des papiers de bord dont doivent être munis tous les boutres naviguant dans la zone dite de Traite, à savoir : titre autorisant le port du pavillon, rôle d'équipage et manifeste des passagers noirs. Les Délégués Allemand et Portugais ont remis en outre le modèle de la licence spéciale prévue à l'Article XXXIX. Le Délégué Italien n'a pas eu à remettre ces pièces, aucun boutre sous pavillon Italien n'existant jusqu'à cette époque.

Chacun de ces documents renferme les renseignements rendus obligatoires par l'Article XLI de l'Acte de Bruxelles, c'est-à-dire :—

1. En ce qui concerne l'autorisation de porter pavillon :

(a.) Le nom, le tonnage, le gréement, et les dimensions principales du bâtiment ;

(b.) Le numéro d'inscription et la lettre signalétique du port d'attache ;

(c.) La date de l'obtention du permis et la qualité du fonctionnaire qui l'a délivré.

2. En ce qui concerne le rôle d'équipage :

(a.) Les noms du bâtiment, du capitaine et de l'armateur ou des propriétaires ;

(b.) Le tonnage du bâtiment ;

(c.) Le numéro d'inscription et le port d'attache du navire, sa destination, ainsi que les renseignements spécifiés à l'Article XXV.

3. En ce qui concerne le manifeste des passagers noirs :

Le nom du bâtiment qui les transporte et les renseignements indiqués à l'Article XXXVI, et destinés à bien identifier les passagers.

Il a été également déposé aux archives du Bureau International pendant l'année 1893, un certain nombre de copies certifiées con-

formes de titres de navigation délivrés par les autorités de différentes Puissances.

Le Délégué Anglais en a remis 200 concernant des boutres sous pavillon Anglais et d'autres sous pavillon du Sultan de Zanzibar.

Le Délégué Allemand en a remis 155 provenant des différents ports de la Colonie Allemande de l'Afrique Orientale, se répartissant ainsi: 14 de Bagamoyo; 71 de Dar-es-Salâm; 18 de Kilwa; 7 de Lindi; 17 de Mikindani; 10 de Saadani; et 18 de Tanga.

C'est ici le lieu de mentionner l'exposé fait par M. Anton à une des séances du Bureau des dispositions prises par les autorités Impériales pour l'enregistrement aux ports de la côte Allemande des boutres qui appartiennent à des Indiens ou à des sujets du Sultan de Zanzibar domiciliés exclusivement à la côte et qui jusque-là portaient le pavillon Anglais ou le pavillon du Sultan.

Les autorités Allemandes estiment que d'après l'Acte de Bruxelles l'enregistrement des boutres doit se faire au domicile du propriétaire; néanmoins, une distinction fut faite entre les boutres appartenant à des sujets Anglais et ceux appartenant à des sujets du Sultan.

Pour les premiers, l'enregistrement par les autorités locales Allemandes est obligatoire.

Pour ceux de la seconde catégorie, l'enregistrement n'en est fait à la côte que sur la demande expresse des propriétaires, appuyée d'une déclaration devant l'officier local. Il est dressé un procès-verbal de déclaration dont une copie authentique doit être expédiée avec le pavillon au Représentant Britannique à Zanzibar.

Dans tous les cas d'ailleurs d'enregistrement à un port de la côte d'un boutre préalablement inscrit à Zanzibar, le Représentant de la Puissance Protectrice sera informé du changement de pavillon et les papiers délivrés par les autorités de Zanzibar seront rendus, afin que les bâtiments en question soient rayés des registres tenus par ces autorités.

De son côté, le Délégué Français a remis au Bureau, en 1893, vingt-deux copies de titres de navigation relatifs à des boutres enregistrés au Consulat de France à Zanzibar, et deux provenant du Vice-Consulat de France à Aden.

Quant au Délégué Portugais, il a fait remise aux archives du Bureau de 154 copies de licences spéciales délivrées par l'autorité du port de Mozambique, conformément à l'Article XXXIX, paragraphe 2, de l'Acte de Bruxelles.

Il a été en outre déposé aux archives, pendant l'année écoulée, dix jugements dont sept portant condamnations, rendus par la Cour Anglaise de Zanzibar, à la suite de captures de boutres soupçonnés de faits de Traite, ou à l'occasion de saisies d'esclaves opérées à terre.

En voici le résumé succinct :—

(a.) *Jugements ne portant pas Condamnation.*

Cause No. 1	..	..	..	..	9 Janvier, 1893.
Cause No. 2	..	..	..	..	3 Février, 1893.
Cause No. 5	..	..	..	..	17 Avril, 1893.

(b.) *Jugements portant Condamnation.*

Cause No. 3	..	..	..	..	11 Mars, 1893.
Cause No. 4	..	..	..	..	3 Avril, 1893.
Cause No. 6	..	..	..	..	22 Avril, 1893.
Cause No. 7	..	..	..	..	22 Avril, 1893.
Cause No. 8	..	..	..	..	4 Mai, 1893.
Cause No. 9	..	..	..	..	18 Novembre, 1893.
Cause No. 10	18 Novembre, 1893.

Cause No. 1.—9 Janvier, 1893.

Boutre *Salama*, pavillon de Zanzibar, saisi par le navire de guerre Anglais *Philomel*, avec cinq esclaves, trois hommes et deux femmes, dans le port de Zanzibar. Le Jugement annule les poursuites, le crime de Traite n'ayant pas été prouvé; attendu qu'il n'a pas été établi que les cinq passagers fussent des esclaves, ni que les gens de l'équipage fussent engagés contre leur gré, le dit Jugement condamne les propriétaire aux frais du procès, pour avoir été trouvé muni de papiers irréguliers.

Cause No. 2.—3 Février, 1893.

Boutre *Mambosasa*, pavillon Anglais, voyageant avec des papiers délivrés par les autorités du Gouvernement du Sultan de Zanzibar, saisi par le *Sparrow*, le 1^{er} Février, 1893, dans le port de Zanzibar, avec une esclave. L'esclave s'était embarquée sur le boutre de sa propre volonté pour fuir à Dar-es-Salâm. Boutre rendu au propriétaire et esclave laissée à la disposition de l'Agent Britannique.

Cause No. 5.—17 Avril, 1893.

Boutre *Mashuri*, pavillon Arabe et papiers Arabes, saisi le 16 Avril, 1893, par le *Philomel*. Le Jugement ordonne que le boutre soit rendu à son propriétaire, attendu qu'il n'existe pas de preuves suffisantes établissant qu'au moment de la saisie il se livrait à la Traite ou était engagé pour cela.

Cause No. 3.—11 Mars, 1893.

Boutre sans nom, n'ayant pas de papiers, propriétaire inconnu, capturé avec six hommes et deux femmes, le 11 Mars, 1893, par le

navire Anglais *Blanche*, au large de Zanzibar. Bontre déclaré de bonne prise, ainsi que les esclaves.

Cause No. 4.—3 Avril, 1893.

Bontre *Kabish*, pavillon de Zanzibar, sans papiers, ayant à bord quarante-quatre hommes et deux femmes, saisi à Pemba, le 2 Avril, 1893, par le *Philomel*. Déclaré de bonne prise par Jugement du 3 Avril, 1893.

Cause No. 6.—22 Avril, 1893.

Saisie de cinquante-deux hommes et treize femmes à l'Ile Nuguruvé, à un demi-mille de Zanzibar, le 22 Avril, 1893, amenés dans cette île pour être embarqués ; capture faite par les officiers du *Philomel* et déclarée de bonne prise par Jugement en date du même jour.

Cause No. 7.—22 Avril, 1893.

Bontre *Fatakhén*, pavillon du Sultan et papiers Arabes, capturé le 22 Avril par le *Philomel*. La preuve ayant été faite que ce bontre était équipé pour la Traite au moment de sa capture, il est déclaré de bonne prise.

Cause No. 8.—4 Mai, 1893.

Bontre *Salama*, pavillon Arabe, sans papiers, avec trente-huit hommes et quatorze femmes, arrêté en cours de voyage, le 1^{er} Mai, par latitude 6° 37' sud, longitude 39° 22' est, par le *Philomel*, reconnu coupable de transport illicite d'esclaves, condamné par Jugement en date du 4 Mai, 1893.

Cause No. 9.—18 Novembre, 1893.

Bontre *Chekanao*, pavillon Arabe, sans papiers, arrêté le 15 Novembre, 1893, à Kizim-Kazi (dans le sud de l'Ile de Zanzibar) par le *Racoon*. Bontre condamné par Jugement du 18 Novembre, 1893.

Cause No. 10.—18 Novembre, 1893.

Capture à Kizim-Kazi de trente-deux esclaves : vingt hommes et douze femmes. Il a été établi que ces esclaves, au moment où ils ont été capturés, venaient d'être débarqués d'un bontre qui les avait apportés de la côte d'Afrique. Le Jugement déclare la saisie légalement faite.

A mentionner encore le dépôt aux archives, en 1893, de la copie d'un Jugement rendu par le Tribunal Cantonal ("Bezirksgericht") de Dar-es-Salâm concernant le bontre sous pavillon Allemand

Tavakal, du port de Mikindani, saisi à Zanzibar par le navire de guerre Anglais *Blanche*, alors qu'il était soupçonné d'avoir débarqué une trentaine d'esclaves. Ce Jugement constate que le, boutre susmentionné a été employé à faire la Traite et le déclare de bonne prise. En le remettant, le Délégué Allemand informait qu'à l'égard du capitaine et des matelots, la procédure n'était pas encore terminée.

A ce propos il faut signaler l'indication fournie par M. Anton, par sa lettre du 27 Juin, au Président du Bureau, "des autorités judiciaires seules compétentes, dans les cas d'arrêt d'un bâtiment Allemand visés aux Articles XLVII à XLIX de l'Acte Général, pour procéder à l'enquête prévue par les Articles L à LIX du même Acte." Ce sont exclusivement les autorités territoriales suivantes : les Tribunaux Régionaux ("Bezirksgericht") à Dar-es-Salâm et à Bagamoyo, et la Cour Supérieure ("Obergericht") à Dar-es-Salâm.

A citer également le dépôt fait aux archives, conformément aux prescriptions de l'Article XLVIII de l'Acte de Bruxelles, de la copie d'une lettre du Commandant Campbell, Senior Naval Officer, commandant le *Philomel*, et d'un rapport de l'officier en second de ce navire Anglais, sur l'arrestation du boutre Français *Fatakhier*, du port de Zanzibar, saisi le 9 Avril, au moment de son départ de ce port avec soixante-dix-sept esclaves.

Parmi les autres pièces et documents recueillis en 1893 dans les archives du Bureau, il y a à mentionner—

1. Un Rapport de Sir Gerald Portal sur les "méthodes adoptées pour la suppression de la Traite depuis le 2 Avril, 1892, date de l'entrée en vigueur de l'Acte Général de la Conférence de Bruxelles, avec leurs résultats jusqu'au 1^{er} Décembre de la même année," rapport dont il a été parlé incidemment à propos de la question du mesurage des boutres ;

2. Un état statistique signé par le Commandant Campbell et remis au Bureau par Mr. Rodd, des opérations des navires de guerre Anglais en ce qui concerne la surveillance des boutres à la côte d'Afrique du 2 Avril, 1892, au 1^{er} Avril, 1893.

Ce dernier rapport établit qu'il a été visité 2,159 boutres pendant cette période, et il cite huit cas de capture de boutres.

Ces deux documents se trouvent annexés au présent Rapport.

Il reste maintenant à passer en revue les diverses communications relatives à des faits de Traite qui ont été faites au Bureau, au cours de ses séances, pendant l'année 1893, par les différents Délégués.

M. de Souza communique une information qui lui est parvenue de son Gouvernement pour être transmise par lui au Bureau, sur les tentatives faites au mois l'Août 1892, par le Chef Mussaca dans la Province de Mozambique, pour établir la Traite le long du littoral

de Kionga au Rovuma, sur le territoire de la station militaire de Tungue, malgré les efforts employés par les autorités Portugaises en vue de réprimer et d'empêcher de tels abus.

Ce Chef Mussaca et ses alliés ont tenté une attaque à main armée contre la ville de Palma. Ils ont été énergiquement repoussés, et les mesures nécessaires furent prises pour prévenir le retour de telles attaques.

Au commencement du mois d'Avril 1893, un boutre sous pavillon Français fut arrêté au moment de son départ par le navire de guerre Anglais *Philomel*, en l'absence de tout bateau Français en rade de Zanzibar, et remis au Consulat de France. Ce boutre avait à son bord soixante-dix-sept esclaves qui devaient être conduits à Mascate. Les esclaves furent immédiatement libérés et leur sort assuré; le capitaine et le second ont été déferés à la Cour de Bourbon.

C'est à cette même époque, alors que commence la mousson du sud-ouest, que le transport des esclaves est très actif pour la côte Arabe.

Mr. Rodd informe le Bureau que pendant le même mois d'Avril deux captures importantes ont été faites, l'une de soixante-cinq esclaves trouvés dans un des petits îlots qui entourent l'île de Zanzibar, par les officiers du *Philomel*; la seconde d'une soixantaine d'esclaves saisis par la police du Gouvernement de Sa Hautesse chez un dellal à Zanzibar, au quartier de Malindi.

Le Délégué Anglais fait remarquer que les îlots qui entourent Zanzibar servent à cacher les esclaves prêts à être embarqués pour la côte Arabe.

M. de Souza fait connaître la saisie opérée à Palma, le 29 Avril, 1893, d'un boutre appelé *Swami*, dans lequel furent trouvés des esclaves. Ceux-ci furent libérés et les coupables mis en prison.

Le même Délégué signale un fait de Traite commis par un certain Saleh-ben-Bacca. Cet individu avait amené de Mozambique à Zanzibar, au commencement de 1892, à bord du courrier Allemand, quatre individus qu'il vendit à Zanzibar; deux d'entre eux furent successivement libérés par le Consul de Portugal, qui remit au Sultan l'Arabe qui les avait achetés.

Le Délégué Français fait au Bureau une communication relative à la saisie du boutre Français *Salamati* avec cinq esclaves à son bord, dans la nuit du 16 au 17 Août, 1893. Le boutre avait quitté Zanzibar avec trois seulement des quatre passagers portés sur son manifeste. Le manquant était Arabe, sujet de Sa Hautesse le Sultan. Le *Salamati* se rendit à 5 ou 6 milles vers le nord de l'île et embarqua cinq esclaves avec le passager manquant, chargé sans doute de l'opération; c'est alors qu'il fut saisi et amarré par le *Raleigh*. Pendant la nuit, le capitaine et le propriétaire parvinrent

à déjouer la surveillance des marins préposés à la garde du navire et s'évadèrent en se jetant à la mer. M. Labosse remit au Sultan le passager Arabe soupçonné d'avoir participé à ce fait de Traite. On n'a retrouvé jusqu'ici aucune trace des deux autres coupables en fuite.

Une communication est faite par le Délégué Allemand touchant la saisie à Zanzibar par le navire de guerre Anglais *Blanche*, au mois de Septembre 1893, d'un boutre Allemand soupçonné d'avoir débarqué une trentaine d'esclaves. Le boutre avait été remis aux autorités compétentes de Dar-es-Salâm, qui l'ont déclaré de bonne prise. Copie du Jugement a été déposée par M. Anton pour les archives du Bureau, à la séance du 18 Décembre, 1893, comme il a été dit plus haut.

M. Anton donne des détails sur le cas d'une femme Mnyamwesi du nom de Syza, volée au mois de Novembre 1893. Cette femme, originaire d'Ouyoui, était venue à la côte avec une caravane du voyageur Stocke. Volée dans les environs de Saadani et transportée à Zanzibar dans une pirogue de pêcheur pendant la nuit, elle réussit quelque temps après à s'enfuir et se réfugia à la Mission des Pères d'Alger. Ceux-ci la remirent au Consul d'Allemagne, qui lui a donné un certificat de libération et l'a renvoyée au Gouverneur de Dar-es-Salâm pour être rapatriée.

Deux cas de capture de boutres font encore l'objet d'une communication de M. de Souza. L'un était un boutre Allemand de Mikindani, soupçonné de faire la Traite. Il fut saisi le 14 Mars dans la baie de Tungue; les noms des gens trouvés à bord ne concordaient pas avec les indications du rôle d'équipage. Cependant, aucune preuve n'ayant pu être fournie établissant qu'il se fût livré à la Traite, il fut relâché, et partit pour Mikindani le 14 Avril. L'autre boutre, portant pavillon Portugais, suppose M. de Souza, fut pris à Suares, et des poursuites furent entamées contre trois hommes de l'équipage.

Telles sont, dans leurs grandes lignes, les principales communications faites dans le courant de l'année 1893, au Bureau International par les différents Délégués.

Zanzibar, Avril 1894.

BLANCHON, *Secrétaire du Bureau.*

Annexe 1.

Règlement du Bureau International Maritime de Zanzibar.

ART. 1^{er}. Le Bureau International Maritime de Zanzibar se compose des Délégués que les Puissances Signataires de l'Acte Général de Bruxelles ont désignés à cet effet, en exécution de l'Article LXXIV du dit Acte.

Le Bureau élit dans son sein, pour le terme d'un an, un Président et un Vice-Président, lesquels seront rééligibles.

2. Le Président a pour attributions—

- (1.) La représentation générale du Bureau;
- (2.) La signature de la correspondance;
- (3.) Le visa de toutes les pièces de comptabilité.

Il est remplacé dans toutes ses attributions, en cas d'empêchement ou d'absence, par le Vice-Président.

3. Les fonctions de Secrétaire du Bureau seront remplies autant que possible par un agent relevant d'un Consulat.

Le Secrétaire sera nommé pour un temps indéterminé par les membres du Bureau et pris en dehors d'eux.

Ses fonctions comprennent —

- (1.) La rédaction de procès-verbaux des séances;
- (2.) La tenue de la correspondance qu'il aura à contresigner;
- (3.) La comptabilité;
- (4.) La garde et le classement des archives.

Le Secrétaire exerce ses fonctions sous la surveillance du Président du Bureau.

4. Les documents émanés du Bureau seront revêtus d'un sceau conforme au fac-similé annexé au présent Règlement et qui portera en exergue, "Bureau International Maritime, Zanzibar," avec une ancre au milieu, et les mots, "Novembre 1892."

5. Le Bureau se réunira régulièrement une fois par mois sur la convocation du Président.

Des séances extraordinaires pourront avoir lieu sur la proposition du Président ou à la demande de l'un des membres.

6. Le Bureau ne peut valablement délibérer que si trois de ses membres au moins sont présents. Les décisions sont prises à la majorité des voix; en cas de partage, la voix du Président est prépondérante.

7. Le Bureau International de Zanzibar a pour mission de centraliser tous les documents et renseignements qui seraient de nature à faciliter la répression de la Traite, dans la zone maritime déterminée à l'Article XXI de l'Acte Général.

A cet effet les Délégués lui transmettront respectivement les documents que les Puissances Signataires se sont engagées à lui faire parvenir dans le plus bref délai possible, à savoir:—

- (1.) Les documents spécifiés à l'Article XLI;
- (2.) Le résumé des rapports et la copie des procès-verbaux visés à l'Article XLVIII;

(3.) La liste des autorités territoriales ou Consulaires et des Délégués spéciaux compétents pour procéder à l'égard des bâtiments arrêtés aux termes de l'Article XLIX;

(4.) La copie des jugements et arrêts de condamnation rendus conformément à l'Article LVIII;

(5.) Tous les renseignements propres à amener la découverte des personnes qui se livrent aux opérations de la Traite dans la zone susdite.

8. Les Délégués communiqueront, en outre, au Bureau International la liste des boutres naviguant sous le pavillon de leur nation respective, avec copies certifiées de toutes autorisations d'arborer le pavillon, ainsi que l'avis du retrait dont ces autorisations pourraient être l'objet.

Le Bureau dressera des listes par nationalité de ces autorisations et de ces avis de retrait.

9. Le Bureau entrera en relations directes, chaque fois qu'il sera nécessaire, avec les autorités territoriales ou Consulaires, pour demander ou transmettre les communications et renseignements du toute nature susceptibles d'aider à la répression de la Traite, conformément à l'Article XXVII de l'Acte Général.

10. Ainsi que le prescrit l'Article LXXVIII de l'Acte Général de Bruxelles, les archives du Bureau seront ouvertes tous les jours aux officiers de la marine des Puissances Signataires autorisés à agir dans les limites de la zone définie à l'Article XXI, de même qu'aux autorités territoriales ou judiciaires spécialement désignées par leur Gouvernement.

La communication des documents et renseignements se fera par les soins du Secrétaire, sauf, en cas de contestation, le recours au Président.

Le Bureau devra fournir aux officiers et agents étrangers autorisés à consulter ses archives, les traductions en une langue Européenne des documents qui seraient rédigés dans une langue Orientale.

11. Le Bureau fera sans retard les communications prévues à l'Article XLVIII de l'Acte Général précité.

12. Dans les deux premiers mois de chaque année, le Bureau dressera un rapport d'ensemble sur ses opérations et celles des Bureaux auxiliaires qui pourraient être créés par la suite dans certaines parties de la zone déterminée par l'Article XXI de l'Acte Général, et le fera parvenir au Bureau spécial rattaché au Ministère des Affaires Étrangères à Bruxelles.

13. Chaque année, avant l'ouverture de l'exercice, le Bureau établit le montant de son budget, tant en dépenses fixes qu'éventuelles.

L'état de prévision des frais d'installation fixes et éventuels, joint au présent Règlement, servira de base à l'établissement du budget de la première année de fonctionnement du Bureau. A l'expiration de cette année les Puissances Signataires représentées au Bureau arrêteront un chiffre maximum que les budgets futurs ne pourront excéder sans leur assentiment.

Sous le contrôle du Président, le Secrétaire du Bureau remplit les fonctions de Trésorier. Il administre, dans les limites du budget annuel, les recettes et les dépenses.

Les comptes de l'exercice écoulé sont soumis, avec toutes les pièces justificatives, au Bureau, qui statue définitivement à cet égard.

14. Le Gouvernement de Sa Majesté Britannique fait l'avance des fonds nécessaires au fonctionnement du Bureau. A cet effet un compte est ouvert à ce dernier, au Consulat-Général de Sa Majesté Britannique à Zanzibar. Les ordonnances de paiement sont délivrées sous la signature du Président et du Secrétaire du Bureau.

15. Chaque année, après la clôture de l'exercice, le Bureau fait la répartition, par parts égales, entre les Puissances représentées, des sommes dépensées pour le service du Bureau. Les quotes-parts respectives seront liquidées à Londres et encaissées à l'intervention du Foreign Office.

Annexe au Règlement.

Devis des Frais du Bureau International Maritime de Zanzibar.

1. Frais d'installation :—

Pour meubler la salle des séances, la chambre des archives, une pièce-bureau pour les communications à faire au public, une pièce pour les gardiens.

Dépense prévue, une fois payée, 1,000 roupies.

2. Frais fixes :

(a.) Loyer de la maison (par mois), 110 roupies.

(b.) Quatre domestiques, gardiens, et garçons de bureau (par mois), 60 roupies.

(c.) Un commis employé pour les archives (par mois), 150 roupies.

(d.) Secrétaire du Bureau International (par mois), 200 roupies.

La rémunération éventuelle des Délégués des Puissances Signataires est réservée à l'appréciation exclusive de chacune d'elles. Les frais encourus de ce chef n'entrent pas dans le fonds commun et ne sont, par conséquent, pas sujets à répartition.

3. Frais éventuels :—

Frais de bureau, de correspondance, de télégrammes, de traductions, d'impression, de renseignements, de voyages, et déplacements, s'ils étaient ordonnés.

ORDONNANCE du Gouverneur Impérial de l'Afrique Orientale Allemande, modifiant et complétant l'Ordonnance du 9 Juillet, 1892, sur l'Importation des Armes à Feu.—*
Dar-es-Salâm, le 25 Mai, 1894.

§ 1. Le permis qui, aux termes de l'Ordonnance du 9 Juillet, 1892, doit être demandé pour chaque fusil, sera soumis, la première fois, à un droit de 15 roupies. Le droit sera de 5 roupies pour chaque renouvellement du dit permis. En cas de perte d'un permis, il en sera délivré un nouveau moyennant un droit de 1 roupie.

§ 2. Les fonctionnaires du Gouvernement Impérial et les hommes appartenant aux troupes Impériales du Protectorat devront également pour toute arme à feu, ne faisant pas partie de leur armement réglementaire, se munir d'un permis et acquitter le droit prévu au § 1.

§ 3. Outre le droit il sera déposé, moyennant quittance, pour chaque arme se chargeant par la culasse, un cautionnement de 100 roupies, qui sera restitué contre remise de la quittance et du permis, et sur présentation de la dite arme en cas de réexportation de celle-ci ou si le porteur quitte le territoire. Les fonctionnaires du Gouvernement Impérial et les hommes faisant partie des troupes Impériales du Protectorat ne sont pas soumis à cette obligation. Le Gouvernement peut également introduire d'autres exceptions.

§ 4. Le droit et le cautionnement ne seront pas exigés—

(a.) Pour les armes à feu faisant partie de l'armement réglementaire des fonctionnaires du Gouvernement Impérial et des hommes appartenant aux troupes Impériales du Protectorat ;

(b.) Pour les armes à feu importées à l'usage des plantations, des

missions ou autres entreprises permanentes et destinées à la protection de leurs membres, pour autant qu'il s'agisse de fusils d'infanterie M/71 ou carabines de chasseurs M/71. Les armes à feu à ce destinées et d'un autre système, qui se trouveraient actuellement dans le territoire du Protectorat, jouiront également de cette franchise.

Les exceptions prévues sous le littéra (b) ne dispensent pas de l'obligation de se munir d'un permis pour chaque arme à feu.

§ 5. Les fonctionnaires de la police ont le droit d'exiger l'exhibition du permis. En cas de refus d'exhibition on doit présumer l'absence d'un permis régulier, et il sera procédé en conséquence.

§ 6. Il est interdit de remettre des fusils se chargeant par la culasse aux indigènes par vente, échange, donation ou autrement, sans autorisation du Gouvernement. Les contraventions à cette défense seront punies d'une amende qui n'excédera pas 1,000 roupies ou d'un emprisonnement qui n'excédera pas un mois.

§ 7. Le droit à payer pour les permis sera également acquitté pour les fusils à baguette quand leur importation a été autorisée conformément au § 3 de l'Ordonnance du 9 Juillet, 1892.

Dar-es-Salâm, le 25 Mai, 1894.

(L.S.) VON SCHELE, *Gouverneur Impérial*.

ORDONNANCE du Gouverneur Impérial de l'Afrique Orientale Allemande, concernant le Débit et la Vente de Boissons Alcooliques.—Dar-es-Salâm, le 17 Février, 1894.

§ 1. Le débit de boissons alcooliques de toute nature n'est permis que moyennant une licence délivrée par l'autorité compétente (Chefs de district et Chefs auxiliaires de district, Chefs des stations).

§ 2. La licence peut porter—

- (1.) Sur le débit de boissons alcooliques de toute nature ; ou
- (2.) Sur le débit de vin, bière, et vermouth.

Dans ce dernier cas il est défendu au titulaire d'avoir chez lui de l'eau-de-vie et autres boissons semblables. Cette défense doit être mentionnée dans le permis.

La licence n'est valable que pour la personne et l'établissement qui y sont indiqués et pour la durée d'une année seulement. Elle doit être exposée d'une manière ostensible dans le local de vente sous peine d'une amende de 2 à 10 roupies que peut infliger l'une des autorités mentionnées au § 1.

§ 3. La concession de la licence est soumise dans le cas du § 2, No. (1), à un droit de 150 roupies, et dans celui du § 2, No. (2), à un droit de 100 roupies.

§ 4. En dehors du droit précité l'autorité peut exiger, en garantie de l'observation des dispositions existantes sur les débits de boissons, le dépôt d'une somme de 50 roupies au moins et de 300 roupies au plus. Cette garantie doit être restituée, au plus tard, dans le délai d'un mois à dater de l'expiration de la validité ou du retrait intégral de la licence.

§ 5. La licence peut être refusée—

- (1.) Lorsqu'il n'y a pas nécessité ;
- (2.) Lorsque le requérant ne jouit pas d'une bonne réputation ;
- (3.) Lorsque, dans le cours des deux dernières années, il a été condamné pour contravention aux dispositions existantes sur les débits de boissons.

§ 6. La licence peut être retirée pour un temps ou définitivement, quand le titulaire a été condamné pour contravention aux dispositions de la présente Ordonnance ou lorsque le débit dans ses locaux est une cause de trouble pour l'ordre public.

§ 7. Il peut être interjeté appel au Gouverneur, auprès de l'autorité compétente, contre le refus ou le retrait de licence.

§ 8. Il ne peut être vendu de l'eau-de-vie ou des boissons semblables à des Mahométans ou à des nègres de tribus indigènes que moyennant une autorisation de l'autorité ou du médecin ; aux *askaris* de la troupe Impériale du Protectorat ou de la troupe de police que moyennant une autorisation d'un médecin, d'un officier ou d'un fonctionnaire ayant rang d'officier.

§ 9. Quiconque délivrera des boissons alcooliques sans être titulaire d'une licence, ou continuera d'en délivrer après qu'elle lui a été retirée, ou qui s'écartera des conditions stipulées dans la licence, sera puni d'une amende qui n'excédera pas 200 roupies, et en cas d'insolvabilité d'un emprisonnement qui n'excédera pas quatre semaines.

Quiconque, sans l'autorisation prescrite, vendra de l'eau-de-vie ou des boissons semblables à l'une des personnes mentionnées au § 8, sera puni d'une amende qui n'excédera pas 100 roupies, et en cas d'insolvabilité d'un emprisonnement qui n'excédera pas deux semaines.

Quiconque se livrera professionnellement à la vente dont il s'agit à l'alinéa précédent sera puni d'une amende qui n'excédera pas 400 roupies, et en cas d'insolvabilité d'un emprisonnement qui n'excédera pas six semaines.

Dans le cas de l'alinéa premier le contrevenant pourra être frappé, outre l'amende ou l'emprisonnement, de la confiscation de toutes les boissons alcooliques et, dans le cas de l'alinéa trois, de l'

confiscation de toute l'eau-de-vie et de toutes les boissons semblables qui seront trouvées en sa possession.

§ 10. Les peines seront prononcées, pour autant qu'il ne s'agit pas de personnes soumises à la juridiction des Tribunaux de district, par les Chefs de district et Chefs auxiliaires de district, et par les Chefs des stations.

Le condamné pourra, dans le délai d'une semaine à dater de la signification, interjeter appel au Gouverneur entre les mains de l'autorité compétente. L'appel ne suspendra pas l'exécution de la peine.

§ 11. La présente Ordonnance entrera en vigueur à dater du jour de sa publication par l'autorité compétente (§ 1). A dater du même jour, les deux Ordonnances du 1^{er} Août, 1891,* concernant le droit sur les boissons alcooliques et l'exercice de la profession de débitant (Circulaires Nos. 33 et 35 de 1891), ainsi que la Circulaire du 17 Novembre, 1892, seront abrogées.

(Pour le Gouverneur Impérial),
(L.S.) VON WROCHEM.

CIRCULAIRE du Gouverneur Impérial de l'Afrique Orientale Allemande aux Chefs et Chefs Auxiliaires de District, ainsi qu'aux Chefs des Stations de l'Intérieur, relative à la Traite des Esclaves.—Dar-es-Salâm, le 1^{er} Juin, 1894.

AFIN de permettre la communication régulière au Bureau International de Zanzibar des décisions rendues en matière de Traite d'Esclaves, j'invite les Chefs et Chefs auxiliaires de district, ainsi que les Chefs des stations, de m'informer de toutes les décisions qu'ils auront prises en vue de libérer des esclaves, de punir les personnes coupables de faits de Traite ou de mauvais traitements exercés sur des esclaves, ou autres faits semblables, et ce même dans les cas où la décision rentre dans leur compétence et ne doit pas être soumise à mon approbation.

Dar-es-Salâm, le 1^{er} Juin, 1894.

(L.S.) VON SCHELE, *Gouverneur Impérial*

* Vol. LXXXIV, pages 344 and 345.

RAPPORT du Secrétaire d'État au Roi-Souverain, sur les Mesures prises par l'État Indépendant du Congo en exécution de l'Acte de Bruxelles.—Bruxelles, le 24 Décembre, 1894.

SIRE,

IL y a cinq ans qu'étaient soumis à votre Majesté des Rapports sur les mesures que l'État Indépendant du Congo avait prises ou comptait prendre, tant dans le domaine législatif que dans l'ordre politique et militaire, pour amener, dans ses territoires, conformément aux prescriptions de l'Acte de Berlin, la suppression de l'esclavage et de la Traite des Noirs.

Le Gouvernement ne dissimulait pas à cette époque les difficultés de la tâche, ni la grandeur du péril, ni l'importance des ennemis contre lesquels la civilisation avait à lutter.

Ceux-ci avaient en effet pris possession de toutes les provinces orientales et ils exerçaient leurs déprédations jusque vers le centre de l'État.

C'est à ce moment que, l'Europe s'étant émue des horreurs de la Traite Africaine, une Conférence Diplomatique s'ouvrait à Bruxelles, qui adopta, après de mûres délibérations, l'Acte Général du 2 Juillet, 1890.

L'objet de ce Rapport est d'exposer à votre Majesté comment l'État du Congo a entendu réaliser, pour sa part, les prescriptions de l'Acte de Bruxelles.

Le premier moyen que préconisait l'Article 1^{er}, pour combattre efficacement la Traite à l'intérieur de l'Afrique, était l'organisation progressive des services administratifs, judiciaires, religieux, et militaires. Sous ce rapport l'État n'avait qu'à persévérer dans la voie des initiatives dont nous avons fait l'exposé au Roi dans notre Rapport du 16 Juillet, 1891.

Je n'ai pas besoin de faire ressortir les progrès considérables qui ont été accomplis par l'État dans cet ordre d'idées depuis cinq ans. Alors que les points extrêmes occupés à cette date étaient les Stanley-Falls et Lusambo, l'action politique et militaire de l'État s'étend maintenant, par plusieurs chaînes de postes, le long de l'Uellé, de l'Aruwimi, à travers le Manyema et le Katanga, jusqu'aux frontières les plus éloignées de ses possessions. Les camps de Basoko et de Lusambo ont été déplacés vers l'est, et c'est aujourd'hui que sont établies, au cœur même des régions ravagées autrefois par les chasseurs d'hommes, les stations fortement occupées, afin d'y assurer l'extinction définitive du fléau.

L'administration judiciaire a suivi parallèlement une marche progressive. Au début, l'action de la justice régulière se bornait aux districts du Bas-Congo; actuellement, des magistrats ont le

siège de leur juridiction dans le Haut-Congo, notamment à Léopoldville et à Nouvelle-Anvers.

En ce qui concerne les services religieux, l'Etat a poursuivi sa politique de protection et de sympathie active à l'égard des œuvres des missions. Il lui a été ainsi donné de contribuer ces derniers temps à l'installation, sur ses territoires, des Pères Jésuites, des Trappistes, et des Sœurs de Notre-Dame qui collaborent aujourd'hui, avec les missionnaires de la Congrégation de Scheut et les Sœurs de la Charité, à l'œuvre de propagande et d'instruction religieuse entreprise par les Belges au Congo. Plusieurs établissements ont été créés ces dernières années, à Nouvelle-Anvers, à Boma, aux environs de Léopoldville et à Luluabourg, où l'on recueille et élève les enfants libérés.

La Conférence de Bruxelles a signalé le rapport étroit qui rattache, en Afrique, au Commerce des Esclaves, le trafic des armes et des spiritueux. Déjà en 1888 et 1889 il avait été donné à l'Etat du Congo de prendre en ces matières des mesures prohibitives ou restrictives dont la Conférence de Bruxelles a cru pouvoir s'inspirer.

L'importation des armes perfectionnées et de leurs munitions avait été interdite dans la totalité des territoires ; l'introduction de toutes armes quelconques était défendue dans le Haut-Congo et ses affluents en amont du confluent de l'Ubangi et dans le Bassin du Kasai. Ce système a été repris par l'Acte de Bruxelles, qui a consacré, dans la zone qu'il détermine, l'interdiction de l'importation des armes et munitions, sauf des fusils à silex non rayés et des poudres de traite destinés à des régions non atteintes par la Traite. Il nous a suffi, pour mettre notre législation en complète harmonie avec l'Acte de Bruxelles, d'organiser sévèrement le régime d'entreposage qu'il édictait. Ce fut l'objet du Décret du 10 Mars, 1892,* et de ses arrêtés d'exécution, et nous pouvons constater que l'introduction des armes par nos ports a été efficacement contrôlée, et n'a pas, en règle générale, dépassé les limites des districts où elle est autorisée. Les armes perfectionnées que les particuliers ont été autorisés à importer ne constituent que des exceptions ; les relevés statistiques transmis au Bureau International constatent un chiffre de 1,800 armes pour un laps de temps de près de deux ans et demi. Si la contrebande n'a pas toujours pu être enrayée sur nos limites intérieures, la cause en est dans les difficultés d'une surveillance efficace sur le grand développement de nos frontières, difficultés auxquelles nous n'échappent pas nos voisins.

Le Gouvernement n'a pas moins cherché à réprimer les abus du commerce des spiritueux. La Conférence de Bruxelles avait prescrit la prohibition complète des boissons distillées dans les régions où l'usage n'en existait pas ou ne s'en était pas développé. En dehors

* Vol. LXXXIV, page 360.

de cette zone elle avait frappé les spiritueux d'un droit de 15 fr. par hectolitre à 50 degrés centigrades. Depuis 1887 déjà nous avions visé à prévenir les abus de ce trafic en le soumettant dans le territoire de l'État, au delà de l'Inkissi, d'abord à des droits de licence élevés, puis même à une prohibition absolue, la libre importation n'étant plus ainsi autorisée que dans une région côtière très circonscrite, où les nécessités du commerce n'en permettaient pas la suppression radicale. Ce régime fut complété par l'établissement des droits d'entrée auxquels l'Acte de Bruxelles avait soumis les spiritueux. En l'absence de données statistiques sur l'importation des alcools, antérieurement à l'établissement de ces droits, le Gouvernement ne pourrait évaluer la diminution actuelle de cette importation. Il estime toutefois que, dans la zone, d'ailleurs restreinte, où la consommation des spiritueux est tolérée, ce commerce n'a pas été enrayé sérieusement, et que des droits plus élevés seraient nécessaires pour atteindre ce fléau dans le Bas-Congo. Je crois devoir faire remarquer à votre Majesté que ces droits seront majorés le 2 Avril prochain, en vertu de l'Acte de Bruxelles.

La situation actuelle se résume donc en ce que tout le Haut-Congo a pu être prémuni contre les abus de alcoolisme par les lois sévères édictées par l'État en quelque sorte au lendemain de sa fondation ; dans le Bas-Congo le mal n'est pas entravé, et au cas même où les obligations internationales autoriseraient l'établissement d'un régime prohibitif, il serait peut-être difficile d'y recourir sans bouleverser le commerce et faire naître des difficultés.

L'Article V de l'Acte de la Conférence, imposant l'obligation d'édicter une Loi Pénale applicable aux faits de Traite, a reçu également son exécution par la promulgation du Décret du 1^{er} Juillet, 1891,* qui réprime la capture, le convoiement et la Traite, le transport ou le récel des esclaves, l'association formée dans un but de Traite, les attentats contre les libérés, les mutilations, &c. Ce Décret a de la sorte complété les dispositions de notre Code Pénal garantissant la liberté individuelle. Applicable dans tout le territoire de l'État, c'est en exécution de ses articles que les conseils de guerre, dans le Haut-Congo, ont eu à juger et à condamner à la peine capitale certains chefs de bandes, convaincus d'avoir dirigé de multiples opérations de Traite.

La crainte des sévérités de la Loi Pénale n'eût pu, à elle seule, impressionner les chefs esclavagistes. Il fallait de plus leur inspirer le sentiment que l'État était assez fort pour leur imposer sa loi, châtier leurs crimes et protéger les populations. Sous ce rapport l'extension graduelle de son occupation leur était déjà au avertissement. Ses stations se multipliaient et se renforçaient ; de nouveaux postes étaient fondés sur les rives du Congo, sur la Mongalla

* Vol. LXXXIII, page 1023.

l'Itimbiri, la Lulu, l'Aruwimi, le Bomu, le Sankuru, et ses affluents. La flottille de l'État était augmentée : en 1889, elle comprenait onze vapeurs ; elle en compte aujourd'hui douze sur le Haut-Congo, et sept sur le bas-fleuve. L'on s'occupe d'installer, dans des conditions appropriées, des embarcations sur le Haut-Ubangi, sur le bief de Kibonge à Nyangwe, le Sankuru, et le Kwango, de manière à relier les postes par des communications ininterrompues et à en assurer le prompt ravitaillement. La construction du chemin de fer entre Matadi et Stanley-Pool se continue dans des conditions qui permettent de prévoir son complet achèvement et d'escompter les multiples avantages d'ordre économique qui en seront la conséquence : accès facile aux régions intérieures, substitution d'un mode de transport rapide au portage par l'homme, modifications nécessaires dans les conditions actuelles du commerce—toutes circonstances appelées à exercer leur influence sur l'extinction définitive de l'esclavage et de la Traite. Dans ce même ordre d'idées le Gouvernement a pris les premières mesures en vue de l'établissement de lignes télégraphiques, établissement que la Conférence de Bruxelles avait préconisé comme un moyen propre à combattre la Traite : une ligne télégraphique a été décrétée entre Boma et le Lac Tanganika, et les travaux sont entrepris pour la première section de cette ligne, le long du chemin de fer jusqu'à Léopoldville.

Entretemps, des expéditions étaient organisées et dirigées vers les régions les plus menacées par la Traite. Les camps étaient approvisionnés d'hommes et de munitions, et, conformément à leurs instructions, groupaient sous leur protection les populations indigènes et les rassemblaient en noyaux compacts. Les plus grands efforts étaient faits pour se préparer, si c'était nécessaire, à une lutte décisive contre les bandes esclavagistes.

Le Gouvernement ne voulut pas cependant arriver à cette extrémité tant qu'il conservait un espoir de ramener les Arabes esclavagistes dans les voies de la civilisation et du commerce honnête. Sa politique fut d'abord, à leur égard, toute de conciliation et d'expectative. Il chercha d'abord à les empêcher d'entrer dans de nouvelles régions et assigna pour limite de leur occupation le cours du Lomani et de l'Aruwimi. Ses instructions de l'époque recommandaient aux agents d'entraver l'expansion Arabe dans de nouvelles zones et de montrer aux populations indigènes, chaque fois que l'occasion s'en présentait, que l'Etat entendait être le seul et véritable maître du pays. Ils devaient éviter une conflagration générale tout en s'attachant à établir et à maintenir notre prestige par la répression des actes de violence que les esclavagistes commettraient en dehors des limites qui leur étaient assignées.

Les faits vinrent malheureusement ruiner l'espoir caressé de voir

les bandes Arabes limiter leurs mouvements. Des points de contact, pour ainsi dire inévitables, furent pris entre elles et nos forces. Il résultait d'ailleurs des rapports de nos Agents que les Arabes, sortant en bandes armées de la zone imposée, prenaient pied chez les Bassongos entre le Lomami et le Sankuru, et tentaient de se rapprocher de la Rivière Lukénié; le chef Gongo-Lutété avait notamment poussé à l'ouest, jusque vers le Sankuru, après avoir détruit tous les villages de la grande forêt que traverse le Lubéfu. On constatait aussi la présence des Arabes sur le cours supérieur de la Maringa, sur l'Uellé jusque chez Djabbir et sur l'Itimbiri.

C'est pendant cette période de temporisation que se placent les premiers engagements entre les troupes et les bandes d'Arabes esclavagistes. Vers le Sankuru, M. Descamps, commandant intérimaire du camp, en vient aux prises avec les hommes de Gongo-Lutété qu'il met en déroute. Sur l'Itimbiri, M. Duvivier, que les Arabes essayaient d'affamer, attaque leur poste et l'enlève. Sur le Bomo-kandi enfin, M. Ponthier est amené à prendre l'offensive contre un gros d'Arabes envahisseurs et les disperse.

Mais déjà le Gouvernement avait cru indispensable, pour déterminer en toute connaissance de cause la politique définitive à employer vis-à-vis des Arabes esclavagistes, de faire procéder à une enquête générale sur leurs tendances, leurs vues et leurs projets, leur système de domination et leurs procédés vis-à-vis des populations indigènes. Ce n'est pas seulement qu'il voulût ajouter un témoignage officiel à tous ceux qui, depuis Livingstone, avaient dénoncé leurs pratiques. La mission qu'il confia à un fonctionnaire de l'ordre judiciaire avait pour objectif de réunir toutes les données de nature à caractériser l'action de ces bandes.

Les résultats de cette enquête devaient malheureusement enlever toute illusion. Elle s'adressait à toutes les sources d'information; Agents de l'État, Agents Commerciaux, Arabes eux-mêmes, anciens esclaves libérés. Elle établit d'abord qu'on se leurrait en espérant que les Arabes esclavagistes reconnaîtraient, autrement qu'en paroles, l'autorité de l'État; non seulement ils n'avaient pas cessé un instant de violer les engagements pris de ne pas dépasser en bandes armées les limites qu'ils avaient acceptées, mais ils n'avaient pas discontinué de miner auprès des indigènes l'influence de l'État. Au nord de l'Aruwimi ils avaient dirigé leurs expéditions jusque l'Itimbiri qu'ils avaient dépassé en plusieurs points. Ils avaient envahi la vallée de l'Uellé et de ses affluents, la M'Bima et le Bomokandi atteignant même les tribus A-Sandé; vers l'ouest ils avaient ravagé les rives du Lopori. Ils faisaient des razzias jusque vers le Lac Matumba et au delà de la Loubilasch. On ne pouvait se dissimuler qu'ils étendaient chaque jour davantage le théâtre de leurs déprédations.

Il était de plus démontré que les méfaits mis à leur charge n'avaient pas été exagérés.

Leur œuvre de destruction et de violence était méthodique, leurs modes de procéder uniformes. Toutes les dépositions recueillies dans l'enquête sont concordantes. Elles donnent un tableau saisissant de leur système :—

“ Lorsque les chefs esclavagistes sont sûrs de leur supériorité, ils entourent de toutes parts le village convoité, la nuit le plus souvent, attaquent vivement et font le plus de prisonniers possible. Au contraire, si la bande s'estime trop faible pour s'emparer de vive force du village, elle essaye de nouer avec les indigènes des relations d'amitié, et à la première occasion elle attaque à l'improviste le village où elle reçoit l'hospitalité.”

Les massacres qui accompagnent ces attaques sont chose horrible :—

“ J'ai vu, dit un témoin, des quantités énormes de cadavres jetés dans le fleuve et emportés par le courant. D'ordinaire, dit un autre, on tue à coups de fusils ; mais lorsqu'il n'y a pas beaucoup de poudre, les hommes, les femmes sont attachés les uns aux autres comme une longue chaîne et jetés à l'eau ; les enfants sont aussi formés en chaîne, mais la corde au cou et pendus.

“ En règle générale, toutefois, on ne tue que les hommes adultes ; les enfants et les femmes sont emmenés comme esclaves et sont dirigés sur les points où opèrent d'autres bandes, qui les utilisent comme valeur d'échange. C'est ainsi que lors de l'affaire du Bomokandi on y trouva un grand nombre de captifs étrangers au pays et de races les plus diverses.

“ Les prisonniers sont d'habitude attachés deux par deux par des anneaux en fer fermés au marteau et réunis par une barre de fer. A peine nourris, ils sont torturés avec des raffinements de cruauté ; les chefs ont recours au supplice de feu et de la mèche à poudre ; ils coupent aux prisonniers les oreilles ou les poignets, ou leur font subir d'autres mutilations. Dans la vallée du Bomokandi on ne rencontre plus que des manchots.”

Ce fut un lugubre défilé que celui des indigènes estropiés et mutilés que le Magistrat instructeur interrogea, preuves vivantes d'atrocités sans nom ; les uns privés de tel ou de tel membre, les autres affreusement martyrisés. C'était un horrible spectacle de troncs sans bras et de têtes sans oreilles.

Il semblait vraiment que leur esprit de destruction ne pût jamais être satisfait :—

“ Il est merveilleux, disent les témoins oculaires, avec quel art consommé ces brigands savent dévaster ; rien, absolument rien de ce qui peut servir aux indigènes ne demeure debout, pas même les bois utiles dans les forêts ; les villages sont incendiés, les plantations

et les bananeraies sont détruites ; les arbres à étoffes coupés. C'est un système ; ils réduisent les indigènes par la ruine complète, la misère et la faim, et les obligent ainsi à se mettre à leur merci."

Et si, par exception, ils jugeaient utile au succès de leurs expéditions d'épargner certaines tribus qu'ils avaient terrorisées, leur influence était toute démoralisatrice, favorisant les coutumes de cannibalisme et d'anthropophagie en nourrissant les indigènes de chair humaine, leur donnant l'exemple du mépris de la femme en violant les captives, leur enseignant la haine des blancs, en les menaçant de représailles s'ils avaient ou conservaient des relations avec les Européens.

C'était, en effet, une de leurs tactiques de simuler, vis-à-vis des Agents de l'État, une certaine correction de procédés, en même temps qu'ils cherchaient, par la menace et la contrainte, à détacher d'eux les indigènes. Ils se montraient paisibles dans les environs immédiats de nos postes, tels que Ibembo, Basoko, les Falls, Lusambo, et ce n'était que vers les régions intérieures, loin des regards des Européens, qu'ils donnaient libre cours à leurs violences. Et "ils faisaient circuler le bruit dans le pays qu'ils allaient tuer les blancs et massacraient les populations qui leur resteraient fidèles, comme ils l'avaient fait en 1886 aux Falls." A maintes reprises ils attaquèrent des villages indigènes sous prétexte "qu'ils étaient amis des blancs."

Telles furent les données de cette enquête, menée sur place, à Basoko, aux Stanley-Falls et sur les rives du fleuve.

"Tous les indigènes, Chefs de villages, d'origines diverses et étrangers les uns aux autres, ou esclaves venus de partout et recueillis dans nos stations, tous, dit le Rapport du Magistrat, nous apportent les mêmes renseignements, on pourrait recueillir des centaines de témoignages semblables."

Les conclusions de l'enquête judiciaire étaient corroborées par les rapports de nos Agents administratifs et militaires. Ils abondaient en preuves de la duplicité et de la mauvaise foi des Arabes esclavagistes, qui considéraient les Européens comme des ennemis implacables et subissaient leur joug avec impatience, alors seulement que leur intérêt ou leur faiblesse le leur commandait.

L'épreuve était faite, et il fallut désormais agir et asseoir la domination de l'État dans des régions exposées aux chasseurs d'hommes.

Au reste, les événements se précipitaient. En Mai 1892, le Chef Arabe Gongo-Lutété s'avancait de nouveau vers le Sankuru. Dhanis repoussait ses bandes à Mona-Kialo et à Balubenghé. Au même moment se plaçait entre Riba-Riba et Bena-Kamba le massacre de l'expédition Hodister. Michiels et Noblesse étaient tués à Riba-Riba. A Kassongo, deux Agents de l'État,

MM. Lippens et De Bruyne, étaient mis en captivité et Emin Pacha était assassiné par les Arabes. Ceux-ci jetaient le masque et entraient ouvertement en révolte. Enserrés de toutes parts, acculés dans leurs derniers retranchements, sentant leur domination compromise, obligés de choisir entre une soumission à l'État, cette fois loyale et complète, et la rébellion déclarée, ils prenaient ce dernier parti.

Les faits militaires de la campagne Arabe sont encore présents à la mémoire de tous. Elle débute par la sommation adressée aux Agents de l'État, par Séfu et Moharra, les Chefs Arabes de Kassongo et de Nyangwe, d'avoir à évacuer tout le territoire entre le Lomami et le Sankuru, et c'est alors que Dhanis, usant d'une initiative à laquelle on ne saurait trop rendre hommage, et devançant l'arrivée de l'ordre de marche, prit lui-même l'offensive. Grâce à la garnison du camp de Lusambo, aux renforts que lui amenèrent le Lieutenant Michaux et le Sergent Cassart, à l'appoint que lui fournit Gongo-Lutété, devenu son allié, le Commandant Dhanis disposait, en troupes régulières et en milices indigènes, d'une force considérable. Sans entrer dans les détails de sa campagne militaire, il nous suffira de marquer ici sa marche victorieuse en avant. Il bat successivement, le 19 Novembre, 1892, Séfu à Angoi, sur la rive gauche du Lomami ; le 28 Décembre, Munié Pemba, fils de Munié Moharra, entre le Lomami et le Lualaba ; et le 9 Janvier, 1893, Munié Moharra lui-même à N'Goï Kapoka, où celui-ci est tué. Ce triomphe est assombri par la nouvelle de la mort de Lippens et de De Bruyne, qu'après sa défaite Séfu fait assassiner à Kassongo ; le châtimement ne se fit pas attendre. A la fin de Janvier 1893, le Commandant Dhanis était devant Nyangwe, qui tombait entre ses mains le 4 Mars ; le 22 Avril il s'emparait de Kassongo.

Entretemps les forces du camp de Basoko étaient entrées en scène. Le Capitaine Chaltin, remontant le Lomami, put constater la débandade des Arabes qui avaient évacué Yanga et Béna-Kamba et s'étaient concentrées au camp du Chari, entre Béna-Kamba et Lhomo. Il suffit de l'apparition de l'expédition (Avril 1893) pour que les Arabes évacuassent ce camp, qui fut détruit. Le 26 Avril, la colonne débouchait devant Ikamba, où avait péri Hodister, et atteignait Iomé, où le gros des Arabes s'était de nouveau réuni. Le succès des armes fut encore favorable à nos troupes admirablement servies par l'artillerie. La déroute de l'ennemi fut complète. Bientôt Riba-Riba, que le Chef Mserrerra avait abandonné fut, à son tour occupé.

Les événements qui se passaient aux Falls arrêtaient la marche triomphante de Chaltin. Le 4 Avril, Rachid avait donné sa démission de Vali des Falls. Des renforts lui arrivaient, notamment de Kibongé. Le 14 Mai, M. Tobback, en présence des démonstra-

tions armées des troupes de Rachid, se fortifiait sur la rive gauche du fleuve. Du 15 au 17 Mai se succédèrent quelques engagements où M. Tobback se défendit brillamment contre des troupes supérieures en nombre ; le 18, l'arrivée de Chatlin, avec 300 hommes et deux canons, décide définitivement de la victoire. Rachid prit la fuite. A la même époque l'Inspecteur d'État Fivé délogeait les Arabes des positions qui leur restaient sur le Congo, en aval des Falls, à Isanghi, Yououami et à la Romée.

Il restait à expurger les deux rives du fleuve depuis les Falls jusque Nyangwe. Ce fut la tâche du Capitaine Ponthier. Parti le 28 Juin des Falls, Ponthier se dirigea vers Kirundu, où il parvint le 8 Juillet après une première escarmouche à Kwebe et un engagement plus sérieux à Mabanga, où Rachid fut de nouveau défait et mis en fuite. Ponthier entra à Kirundu évacué et, pour empêcher les forces de Kibongé de se reconstituer, se met à leur poursuite. Il les rejoignit le 10 Juillet, à Kima-Kima, et après une rencontre indécise parvint à s'emparer de leur camp ; dix-neuf Chefs Arabes furent passés par les armes. Quelques jours après, le 6 Août, 1893, le Commandant infligeait à Kibongé et à Rachid une nouvelle défaite non loin de la Lowa. Puis il prenait le chemin de Kassongo, où il opérât le 25 Septembre sa jonction avec Dhanis.

Un dernier adversaire surgissait, menaçant, c'était Rimaliza, le Chef d'Udjiji, qui, traversant le Tanganika et ralliant les débris des forces Arabes, s'était fortement retranché à Kabambarré. Vers le milieu d'Octobre quelques rencontres eurent lieu vers la Luama, dont l'une coûta la vie au vaillant Ponthier. L'ennemi harcelé transporte son camp sur la rive droite de la Lulindi, où il ne tarde pas à être bloqué par Gillain, Lange, Lothaire et de Wouters. Le 14 Janvier, 1894, le boma était bombardé et incendié et nombre d'Arabes y trouvèrent la mort. Lothaire et de Wouters mettaient à profit ce succès en marchant à étapes forcées sur Kabambarré, qui se rendait à merci (25 Janvier, 1894). Quinze jours plus tard les deux officiers rejoignaient, sur le Tanganika, les agents de la Société Antiesclavagiste.

A cette dernière revient l'honneur d'avoir maintenu au fond de l'Afrique des postes avancés seuls représentants de la civilisation, au moment où toute la région était submergée par le flot envahissant des esclavagistes. Les expéditions qui furent envoyées successivement au Tanganika, avec Jacques, Long et Descamps, ont bien mérité de la noble cause qu'ils ont défendue et de l'État dont ils ont servi de grands intérêts. Si les ressources dont elles disposaient n'ont pas permis de s'opposer à l'envahissement des bandes venues de la rive occidentale des lacs, elles sont tout au moins consolidées les postes de la rive gauche, forcé l'ennemi à diviser ses forces et maintenu la tranquillité dans le voisinage immédiat des stations.

Leur action contre les esclavagistes a été marquée de plus d'un fait d'armes heureux, notamment de l'enlèvement du boma que les Arabes avaient établi en face d'Albertville.

Le Gouvernement n'a fait qu'accomplir les prescriptions de l'Acte de Bruxelles et se conformer à ses devoirs en donnant à la Société Antiesclavagiste des témoignages d'une active sympathie qu'elle n'a pas cessé de mériter, et en lui assurant son aide en argent et en hommes lorsque les circonstances le permettaient. Les renforts amenés au lac, par les troupes de l'État Indépendant, ont imprimé un nouvel essor aux opérations antiesclavagistes; l'occupation de la partie septentrionale du lac a été complétée; les communications entre Albertville et Kabambarré ont été assurées par une série de trois postes échelonnés.

Des résultats non moins considérables ont été obtenus par les expéditions que l'État a dirigées vers le nord-est de ses possessions. Le péril qu'il importait avant tout d'éviter dans ces parages, c'était la jonction des Arabes venus du sud avec les bandes Madhistes agissant dans le nord. Ce fut l'objet principal des instructions données aux officiers opérant dans cette région, et ce but fut heureusement atteint, grâce à l'habile direction de Van Kerckhoven, Ponthier, et Baert. Les communications y furent d'abord assurées entre l'Itimbiri et l'Uellé, et un poste retranché fut installé à Ibembo, servant à la fois de point d'appui pour les expéditions et de dépôt pour le ravitaillement. En même temps que des succès militaires assuraient le prestige de nos armes, d'habiles négociations nous ralliaient les puissants Sultans du nord, tels que Djabbir, Rafai, et Semio, dont la fidélité ne se démentit pas un instant et dont le concours fut précieux par l'appoint des forces indigènes considérables qu'ils apportèrent à nos troupes régulières. Les rives de l'Uellé furent expurgées des hordes esclavagistes qui s'y étaient installées et qui furent rejetées au delà de l'Aruwimi; et rappelons que c'est au cours de cette campagne que fut livré ce combat du Bomokandi, au confluent de cette rivière et du Mokongo, qui datera dans la carrière militaire de Ponthier. Il put alors être procédé, sur l'Uellé, à l'établissement de toute une série de postes militaires, Bomokandi, Amadis, Dongu, rendant définitivement impossibles les points de contact entre Arabes et Derviches. Une tentative de ces derniers a été repoussée au mois de Mars dernier, à Mundu, par le Commandant Delanghe.

La campagne était terminée et l'on peut dire que ses résultats dépassent les espérances les plus optimistes. Il semble, cette fois, que la puissance des chasseurs d'hommes est définitivement anéantie et qu'il serait impossible qu'elle se relevât encore. Les Chefs ont disparu, sont morts ou en fuite. Séfu, Munié Moharra, Moerrera ont péri dans la tourmente. Rachid est gardé prisonnier dans le

Kassai ; la plupart des autres Chefs ou Sous-Chefs Arabes ont reçu le châtimeut de leurs forfaits. Sans guides, les bandes Arabes, décimées par de multiples défaites, chercheraient en vain à se ravitailler depuis que leurs anciennes positions, les Falls, Riba-Riba, Bena-Kamba, et surtout Nyangwe et Kassongo, ces boulevards de l'esclavagisme, sont détruites ou aux mains de l'État. Sans ressources assurées, car les populations natives, qu'ils terrorisaient jadis, se sont naturellement tournées vers leurs libérateurs, sans communications entre eux, sans approvisionnements d'armes ni de munitions, il leur sera difficile de se réorganiser et de reprendre l'offensive.

Toutefois, si les bandes esclavagistes, en tant que force coalisée, ne sont plus à redouter, il est certain qu'il y en a encore quelques-unes, sans importance, qui, fuyant devant nos troupes, se sont réfugiées dans l'intérieur des terres, à l'abri des poursuites. Elles ont tout naturellement cherché asile dans cette région, entre le Lualaba et le Lac Albert-Édouard et Albert Nyanza, que la récente guerre n'a pas eu pour théâtre. Celles-là restent encore à ramener à l'État, soit par la persuasion, soit par la contrainte. Il reste aussi à continuer l'organisation administrative et militaire des territoires du Haut-Lualaba et du Haut-Lomami jusqu'au Tanganika méridional ; vers le sud, consolider nos victoires par une surveillance incessante et une vigilance toujours en éveil ; vers le nord-est, déloger de leurs derniers repaires les esclavagistes qui chercheraient à reconquérir leur influence perdue ; tel est le programme qu'imposent les événements et dont la réalisation rendra entièrement féconds les résultats déjà acquis.

Ces résultats, la Belgique peut le dire avec un légitime orgueil, c'est à la bravoure et au courage de ses officiers qu'ils sont dus. Il n'en est pas un qui, pendant cette pénible campagne, n'ait été digne d'elle. Tous ont bien mérité de leur patrie et ont fait preuve, chacun dans sa sphère, d'un égal dévouement et d'une même vaillance ; ce sera l'honneur de l'armée Belge de compter ces braves dans ses rangs et d'avoir prouvé qu'en toutes circonstances le pays peut se fier à elle.

Le Gouvernement du Congo est heureux de pouvoir lui donner ici un public témoignage de ces hauts faits. Il rend un hommage ému à ceux qui ont payé de leur vie leur collaboration à la cause sacrée : aux Van Kerckhoven, Ponthier, de Heusch, Michiels, De Bruyne, Lippens, de Wouters d'Oplinter, Vritoff.

L'exposé qui précède m'autorise à dire à votre Majesté que, dans les divers ordres d'idées préconisés par l'Acte de Bruxelles, les résultats atteints par l'État ont été considérables. Sa tâche cependant n'est pas complètement terminée. Comme je l'ai fait remarquer plus haut à votre Majesté, il lui reste à consolider son pouvoir

politique dans les régions de l'est et à soumettre définitivement les dernières bandes qui pourraient s'y être installées. Dans ce but, il est indispensable que ces provinces restent soumises à une police sévère et à une étroite surveillance; il sera possible d'y parvenir, grâce aux camps fortement occupés qui exercent leur action au centre même de nos possessions, à Kassongo et à Kabambarré, et, sur l'Ouellé, à Dungu, actuellement la citadelle de la civilisation dans le nord. Les chaînes de postes aujourd'hui échelonnées jusqu'aux limites orientales des territoires devront être conservées, en vue à la fois de prévenir de nouvelles incursions des bandes esclavagistes et de mettre fin à l'infiltration d'armes et de munitions de ce côté.

Cette tâche est relativement aisée et son accomplissement se concilie avec l'exécution des mesures qui ont pour but la formation de l'armée nationale et comme conséquence la réduction des dépenses publiques. Votre Majesté peut compter que tous ceux qui ont l'honneur de la servir continueront, avec la même persévérance, le même dévouement et la même énergie, à réaliser les vues humanitaires qui sont l'objet de ses constantes préoccupations.

Je suis, &c.,

EDM. VAN EETVELDE.

Bruxelles, le 24 Décembre, 1894.

RAPPORT du Gouverneur du Soudan Français à M. le Ministre des Colonies, sur les Mesures prises en exécution de l'Acte de Bruxelles.—Kaya, le 18 Juillet, 1894.

M. LE MINISTRE,

Kaya, le 18 Juillet, 1894.

PAR dépêche en date du 21 Décembre dernier, vous référant à l'Article LXXXII de l'Acte Général de Bruxelles du 2 Juillet, 1890, vous me demandez de vous faire parvenir tous les documents et renseignements statistiques qu'il peut y avoir lieu de recueillir et de rendre publics, relativement à la Traite des Noirs.

Le Soudan, Colonie d'origine récente, par son étendue considérable, par sa contiguïté avec les pays du Centre Africain qui approvisionnent les marchés d'esclaves, constitue encore malheureusement un débouché pour les marchands d'hommes.

Il n'est donc pas sans utilité de faire connaître les efforts tentés jusqu'ici pour paralyser autant que possible ce hideux commerce. Les résultats acquis, malgré la difficulté de surveiller les caravanes qui peuvent passer par des routes situées en dehors de notre ligne

de postes, témoignent du souci qu'on a pris de se conformer, dans toute la mesure du possible, aux dispositions de l'Acte de Bruxelles.

Un de mes prédécesseurs a créé, auprès de chaque poste, des villages dits de "liberté" où sont placés les captifs qui sont enlevés aux caravanes et ceux qui viennent nous demander protection. Les maîtres des captifs évadés ont trois mois pour les réclamer. Faute de réclamation dans ce délai, un certificat de liberté doit être délivré au captif fugitif. Il lui assure, vis-à-vis des indigènes, l'inviolabilité individuelle.

Les Tableaux suivants font connaître la population des villages de liberté au 1^{er} Mai et le nombre des certificats de liberté délivrés du 1^{er} Janvier, 1893, au 1^{er} Janvier, 1894 :—

TABLEAU I.—*Population des Villages de Liberté au 1^{er} Mai, 1894.*

Désignation des Cercles.	Hommes.	Femmes.	Enfants.	Totaux.
Cercle de Bakel	74	88	77	239
„ Kayes.. ..	205	268	154	627
„ Médine	330	368	116	814
„ Nioro	227	462	283	972
„ Bafoulabé	176	185	123	484
„ Bamako	144	152	61	357
„ Siguiri	89	91	65	245
Poste de Niagassola	5	7	3	15
Cercle de Kita	18	52	25	95
„ Segou.. ..	..	..	..	..
„ Kouroussa	5	8	7	20
Totaux	1,273	1,681	914	3,868

TABLEAU II.—*Certificats de Liberté délivrés du 1^{er} Janvier, 1893, au 1^{er} Janvier, 1894.*

Désignation des Cercles.	Hommes.	Femmes.	Enfants.	Totaux.
Cercle de Bakel .. ..	..	..	..	37
„ Kayes.. ..	71	151	227	449
„ Médine	21	29	13	63
„ Bafoulabé	27	34	5	66
„ Siguiri .. ..	..	6	..	6
„ Kouroussa	6	3	3	12
„ Kita .. ..	..	4	..	4
„ Segou.. ..	..	4	..	4
Totaux	125	231	248	641

A ces renseignements statistiques concernant la Traite des Esclaves j'ajouterai ceux relatifs à la vente des poudres de commerce à Médine et à Kayes, les deux points où ces poudres sont emmagasinées dans les poudrières de l'État; il n'en est fait délivrance aux commerçants que sur leur demande justifiée.

Mouvement des Poudres de Commerce pendant l'année 1893.

					Entrées.	Sorties.
					Kilog.	Kilog.
Kayes	..	..	..	..	1,376,406	199,000
Médine	..	..	..	..	2,693,975	182,175

Enfin, pour les armes, l'absence de tout service de douanes n'a pas permis jusqu'ici d'en constater les quantités importées. Mais cette lacune va être comblée; des bureaux de statistique commerciale fonctionnent à Bakel et à Kayes depuis le commencement du mois.

Je vous adresserai, avant la fin de l'année, un rapport complémentaire sur la captivité de Traite.

Je suis, &c.,

ALBERT GRODET.

RAPPORT du Gouverneur de la Guinée Française à M. le Sous-Secrétaire d'État des Colonies, sur les Mesures prises en exécution de l'Acte de Bruxelles.—Conakry, le 29 Janvier, 1894.

M. LE SOUS-SECRÉTAIRE D'ÉTAT, *Conakry, le 29 Janvier, 1894.*

J'AI l'honneur de vous accuser réception du volume que le Bureau de Bruxelles a publié sur l'application de l'Acte Général en 1892 et que vous avez bien voulu m'adresser le 21 Décembre dernier.

En ce qui concerne la Guinée Française, l'application du Décret du 23 Juillet, 1892,* sur l'importation des armes à feu et munitions, a suivi son cours régulier. Seuls, les races indigènes qui n'ont pas eu connaissance de ses dispositions se trouvent encore en possession d'armes à tir rapide qui leur sont retirées, s'ils ne se trouvent pas dans les conditions requises pour les conserver. Les maisons de commerce ont toutes fourni les états semestriels d'importation ou exportation prévus par l'Article 5 du Décret du 23 Juillet, 1892.

* Vol. LXXXIV, page 372.

L'état modèle No. 1 ci-annexé indique la situation du commerce des armes à feu et munitions dans la Colonie depuis la mise en vigueur du Décret jusqu'au 30 Juin, 1893. Tout détenteur d'arme à tir rapide doit faire sa déclaration devant l'autorité administrative, et il lui est délivré un permis indiquant la nature et les marques distinctives de l'arme qu'il est autorisé à conserver. La déclaration est inscrite sur un registre spécial dans chacun des postes d'administrateurs.

Les droits dont étaient antérieurement frappés les alcools importés dans la Colonie, bien que supérieurs à ceux prévus par l'Acte Général de Bruxelles (Arrêté local du 2 Février, 1892), ont été modifiés par l'Arrêté local ci-annexé du 9 Décembre, 1893.

Enfin, en ce qui concerne la Traite des Esclaves, tous les efforts sont faits pour entraver un trafic auquel se livrent encore, particulièrement sur les frontières de notre Colonie, celle de Sierra-Leone et de la Guinée Portugaise, les indigènes des trois Colonies. Des captifs ont été libérés et des terrains leur ont été concédés où ils puissent créer des villages et des plantations. A cette catégorie de captifs doit s'ajouter un nombre considérable d'esclaves évadés de chez leurs maîtres, qui viennent chercher un refuge à l'abri de notre pavillon. Quelques-uns se rachètent eux-mêmes par leur travail ; ce mode de libération est surtout favorisé comme tenant compte de tous les intérêts et respectant les habitudes des indigènes, mais tous sont certains de trouver un abri à Conakry et y constituent un élément de population qui n'est pas négligeable et qui ne pourra que s'accroître avec le temps.

Je suis, &c.,

BALLAY.

Annexe 1:

Arrêté concernant les Taxes à percevoir sur les Boissons, &c., dans la Guinée Française.—Conakry, le 9 Décembre, 1893.

LE Gouverneur de la Guinée Française, officier de la Légion d'Honneur,

Vu l'Ordonnance Organique du 7 Septembre, 1840 ;

Vu le Décret du 30 Janvier, 1867, sur les pouvoirs des Gouverneurs en matière de taxes et de contributions ;

Vu le Décret du 20 Mars, 1893, constituant la Guinée Française en Colonie autonome ;

Vu l'Arrêté local du 8 Décembre, 1890, portant création d'une taxe de consommation sur les spiritueux et les tabacs ;

Vu l'Arrêté local du 2 Février, 1892, modifiant l'Article 1^{er} de l'Arrêté susvisé ;

Le Conseil d'Administration entendu,

Arrête :

ART. 1^{er}. A dater du 1^{er} Janvier, 1894, les taxes de consommation perçues au profit du service local de la Guinée Française et dans toute l'étendue de la Colonie sur les boissons et spiritueux de toute nature et sur les tabacs récoltés dans la Colonie ou importés de l'extérieur, sont modifiées ainsi qu'il suit :

(1.) Vins, bières, cidres, et poirés : en cercle, l'hectol., 5 fr. ;

Vins, bières, cidres, et poirés : en bouteille, l'hectol, 7 fr.

Alcools, eaux-de-vie, rhum, genièvre, whisky, liqueurs, vermouth, absinthe, fruits à l'eau-de-vie, &c., 35 fr. l'hectol. à 50 grammes avec une augmentation ou une diminution proportionnelle au nombre de degrés en plus ou en moins.

Les spiritueux contenus dans des récipients qui seraient scellés ou cachetés de manière à empêcher la vérification seront traités comme alcool pur ;

(2.) Tabacs cultivés, fabriqués ou importés dans la Colonie, 50 centimes par kilog.

2. Les Articles 3, 4, 5, 6, 7, et 8 de l'Arrêté local du 8 Décembre. 1890, sont maintenus sans modifications.

3. Les spiritueux et tabacs actuellement en entrepôt dont les droits n'auront pas été liquidés avant le 1^{er} Janvier, 1894, seront soumis au nouveau Tarif.

4. Par mesure transitoire et bienveillante, les spiritueux et tabacs à destination de la Guinée Française, embarqués sur un bâtiment qui aurait quitté un port d'Europe ou d'Amérique avant le 20 Décembre, 1893, et dont les droits seront liquidés dès leur arrivée dans la Colonie, resteront passibles de l'ancien Tarif.

5. Les dispositions des Articles des Arrêtés des 8 Décembre. 1890, et 2 Février, 1892, sont abrogées en ce qu'elles ont de contraire au présent Arrêté.

6. Le présent Arrêté sera communiqué et enregistré partout où besoin sera et inséré au " Bulletin Officiel " de la Colonie.

Conakry, le 9 Décembre, 1893.

BALLAY.

Annexe 2.

Relevé Statistique des Fusils à Silex et de la Poudre de Traite importés et consommés dans la Guinée Française pendant la période de Juin 1892 à Juin 1893.

FUSILS.

	Entrées.		Sorties du 1 ^{er} Juin, 1892, au 30 Juin, 1893.	Reste en Entrepôt au 30 Juin, 1893.
	Stock au 1 ^{er} Juin, 1892.	Entrée depuis.		
Conakry	2,020	1,039	515	3,544
Rivières	3,007	1,015	795	3,227

POUDRE.

	Entrées.		Sorties du 1 ^{er} Juin, 1892, au 30 Juin, 1893.	Reste en Entrepôt au 30 Juin, 1893.
	Stock au 1 ^{er} Juin, 1892.	Entrée depuis.		
Conakry	Kilog. 15,153	Kilog. 7,900	Kilog. 16,483	Kilog. 7,570
Rivières	25,809	9,310	10,198	24,421

RAPPORT sur les Établissements Français du Golfe de Bénin.
—Porto Novo, le 25 Mars, 1894.

Le Général Commandant Supérieur à M. le Ministre des Colonies.

M. LE MINISTRE, *Porto Novo, le 25 Mars, 1894.*

J'AI l'honneur de vous adresser, ci-joint, les documents et renseignements relatifs à l'application, dans les établissements Français du Bénin, de l'Acte Général de Bruxelles.

1. *Esclavage*.—(1.) Mon Arrêté du 22 Décembre, 1892 (pièce annexé No. 1), a rendu exécutoires, dans les territoires annexés, les Lois, Ordonnances, et Règlements de la métropole en vigueur dans les établissements et tous Arrêtés locaux réglant les matières d'administration et de police.

La Loi du 4 Mars, 1831,* concernant la répression de la Traite

* Vol. XVIII, page 1223.

des Noirs, se trouve ainsi applicable dans les territoires placés sous notre domination ;

(2.) J'ai expressément stipulé dans les Traités d'Abomey (29 Janvier, 1894) et d'Allada (4 Février, 1894), pièces annexes Nos. 2 et 3, que les Rois Contractants s'engagent à interdire le Commerce des Esclaves et à abolir toutes pratiques ou coutumes ayant pour résultat des sacrifices humains.

Les Rois se sont également obligés à n'entreprendre aucune opération de guerre sans l'autorisation du Gouvernement Français.

Plusieurs milliers d'esclaves venus, au cours des opérations, se réfugier sous notre drapeau, ont été déclarés libres et renvoyés dans leurs pays d'origine (Ouïdah, Porto-Novo, Abomey-Calavi, Kotonou, &c.).

2. *Armes et Munitions*.—(1.) Le Décret du 23 Juillet, 1892,* relatif à l'interdiction des armes à feu et des munitions dans la Colonie de la Guinée Française, a été promulgué dans les établissements du Bénin par Arrêté local du 5 Septembre, 1892 (pièce annexe No. 4).

En exécution des dispositions de l'Article 3 de ce Décret, mon Arrêté du 2 Janvier (pièce annexe No. 5) prohibe l'introduction et la vente de la poudre et des armes dans une région déterminée.

En fait, il n'existe plus dans le pays, entre les mains des indigènes, que des fusils à silex qui sont surtout des armes de parade utilisées dans les fêtes ou réjouissances.

3. *Spiritueux*.—(1.) Mon Arrêté du 25 Décembre, 1892, actuellement en vigueur (pièce annexe No. 6), établit sur les spiritueux introduits dans la Colonie des droits de douane dont le taux est supérieur au minimum prévu par l'Acte Général de Bruxelles.

L'Arrêté du 5 Septembre, 1893 (pièce annexe No. 7), dont M. le Sous-Secrétaire d'État avait cru devoir provisoirement suspendre l'application et dont j'ai eu l'honneur de vous demander la remise en vigueur, établit une tarification supérieure au minimum fixé par l'Acte Général.

Ces deux décisions sont donc conçues dans l'esprit prohibitif de l'abus de l'alcool qui a inspiré la Convention Internationale.

Je suis, &c.,

DODDS.

Annexe 1.

*Arrêté concernant les Territoires annexés à la Guinée Française.—
Porto Novo, le 22 Décembre, 1892.*

Nous, Général de Brigade, &c.,

Vu l'Article 50 de l'Ordonnance Organique du 7 Septembre, 1840;

Vu l'Article 2 du Décret du 17 Décembre, 1891, portant réorganisation de la Guinée Française et dépendances;

Vu la décision Présidentielle du 10 Avril, 1892;

Vu la Déclaration du 3 Décembre, 1892, plaçant sous le Protectorat de la France le Haut-Dahomey et annexant aux possessions de la République les territoires de Ouidah, Savi, Avrikété, Godomey, Abomey-Calavi;

Sur la proposition du Lieutenant-Gouverneur,

Avons arrêté et arrêtons :—

ART. 1^{er}. Sont étendus, à compter du 1^{er} Janvier, 1893, aux territoires récemment annexés les Lois, Ordonnances, et Règlements de la Métropole en vigueur dans les établissements, et tous Arrêtés locaux réglant les matières d'administration et de police.

2. Le présent Arrêté sera enregistré, communiqué partout où besoin sera et inséré au " Journal Officiel " de la Colonie.

Porto-Novo, le 22 Décembre, 1892.

DODDS.

Annexe 2.

Traité entre la France et le Roi d'Abomey.—Abomey, le 29 Janvier, 1894.

Au nom de la République Française,

Entre le Général de Brigade Dodds, Commandant Supérieur des établissements Français du Bénin, Grand Officier de la Légion d'Honneur, d'une part;

Et Ago Li Agbo, Roi d'Abomey, d'autre part, a été conclu le Traité suivant :—

* * * * *

VI. Le Roi exerce son autorité sur les sujets d'après les lois et usages du pays; toutefois, il s'engage à interdire le Commerce des Esclaves et à abolir toutes pratiques ou coutumes ayant pour résultat des sacrifices humaines.

* * * * *

X. Le Roi ne pourra entreprendre aucune opération de guerre sans l'autorisation du Gouvernement Français.

* * * * *

XVI. Le présent Traité, fait en triple expédition, ne deviendra définitif qu'après l'approbation du Gouvernement de la République Française.

Fait à Abomey, le 29 Janvier, 1894.

DODDS.

(Marques du Roi et des Chefs.)

Annexe 3.

Traité entre la France et le Roi d'Allada.—Allada, le 4 Février, 1894.

Au nom de la République Française,

Entre le Général de Brigade Dodds, Commandant Supérieur des établissements Français du Bénin, Grand Officier de la Légion d'Honneur, d'une part ;

Et Gi-gla-no-pon-Gbé-nou-Masu, Roi d'Allada, d'autre part :—

* * * * *

V. Le Roi exerce son autorité et administre le pays d'après les lois et usages en vigueur ; toutefois la Traite des Esclaves et les sacrifices humains sont interdits.

* * * * *

X. Le Roi ne pourra entreprendre aucune opération de guerre sans l'approbation du Gouvernement Français.

* * * * *

XVI. Le présent Traité, fait en triple expédition, ne deviendra définitif qu'après l'approbation du Gouvernement de la République Française.

Fait à Allada, le 4 Février, 1894.

GÉNÉRAL DODDS.

(Marques du Roi et des Chefs Indigènes.)

Annexe 4.

Arrêté relatif à l'Introduction des Armes à Feu dans la Colonie du Bénin.—Porto Novo, le 5 Septembre, 1892.

Nous, Colonel Commandant Supérieur des établissements Français du Bénin, Commandeur de la Légion l'Honneur ;

Vu la dépêche de M. le Sous-Secrétaire d'État des Colonies en date du 6 Août, 1892 ;

Avons arrêté et arrêtons :

Article Unique.—Est promulgué dans la Colonie du Bénin le Décret du 23 Juillet, 1892,* relatif à l'introduction des armes à feu

* Vol. LXXXIV, page 372.

et des munitions dans la Colonie de la Guinée Française et dépendances.

Porto-Novo, le 5 Septembre, 1892.

COLONEL DODDS.

Annexe 5.

Arrêté relatif à l'Introduction de la Poudre et des Armes à Porto-Novo, &c.—Ouidah, le 2 Janvier, 1893.

Nous, Général de Brigade, Commandant Supérieur, &c.,

Vu l'Arrêté du 10 Décembre, 1892, divisant la Colonie en deux zones douanières ;

Vu l'Arrêté local du 14 Avril, 1892, interdisant dans les établissements du Bénin l'introduction et la vente de la poudre et des armes ;

Considérant que, malgré la levée du blocus, il importe jusqu'à la complète pacification du pays d'interdire l'introduction et le trafic de la poudre et des armes ;

Considérant, d'autre part, que le voisinage de la Colonie Allemande du Togo rendrait, dans la première zone, une pareille mesure illusoire et préjudiciable aux intérêts du commerce local ;

Sur la proposition du Lieutenant-Gouverneur,

Avons arrêté et arrêtons :—

Article Unique.—L'introduction et la vente de la poudre et des armes sont interdites dans la deuxième zone, c'est-à-dire à Porto-Novo, Abomey-Calavi, Cotonou, Godomey, Avrékété, Savi et Ouidah, et dans les territoires placés sous le Protectorat de la France à l'est du Grand-Popo.

Fait à Ouidah, le 2 Janvier, 1893.

DODDS.

Annexe 6.

Arrêté relatif à la Perception des Taxes de Consommation dans les Protectorats du Bénin.—Porto Novo, le 25 Décembre, 1892.

Nous, Général de Brigade, &c.,

Vu l'Article 51 de l'Ordonnance Organique du 7 Septembre, 1840 ;

Vu le Décret du 30 Janvier, 1867, concernant les pouvoirs des Gouverneurs en matière de taxes et contributions ;

Vu le Décret du 17 Décembre, 1891, réglant l'organisation politique et administrative de la Guinée Française et dépendances ;

Vu le Décret du 12 Février, 1892, portant exécution de l'Acte Général de la Conférence de Bruxelles ;

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Vu l'Arrêté local du 3 Avril, 1890, promulguant dans la Colonie le Décret du 1^{er} Avril, 1890, portant établissement d'un régime douanier dans les territoires de Cotonou, de Porto-Novo, et dans les territoires placés sous le Protectorat de la France et à l'est de Grand-Popo ;

Vu la décision Présidentielle du 30 Avril, 1892 ;

Ensemble les Arrêtés locaux des 9 Avril, 1892, 5 Décembre, 1892, 10 Décembre, 1892 ;

Vu le télégramme Ministériel du 22 Décembre, 1892 ;

Sur la proposition du Lieutenant-Gouverneur,

Avons arrêté et arrêtons :—

Article Premier.—A dater du 1^{er} Janvier, 1893, il sera perçu dans les établissements et Protectorats du Bénin, compris dans la zone douanière s'étendant de la rivière Ahémé à l'ouest jusqu'à la frontière Franco-Anglaise à l'est de Porto-Novo, des taxes de consommation fixées comme suit sur les marchandises ci-dessous dénommées :—

(1.) Rhums, tafias et spiritueux de toute nature fabriqués dans la Colonie ou importés de l'extérieur :

Par hectol. de 0 degré à 30 degrés inclus, 10 fr.

Par hectol. de 30 degrés à 50 degrés inclus, 15 fr.

Avec augmentation proportionnelle pour chaque degré d'alcool en plus.

(2.) Genièvre :

Par caisse de 8 litres de 0 degré à 30 degrés inclus, 2 fr.

Par caisse de 8 litres de 30 degrés à 50 degrés inclus, 3 fr.

Avec augmentation proportionnelle pour chaque degré d'alcool en plus.

2. La perception des taxes s'effectuera en monnaie Française.

3. Toutes dispositions contraires au présent Arrêté sont abrogées.

4. Le présent Arrêté sera communiqué et enregistré partout où besoin sera et inséré au " Journal Officiel " de la Colonie.

Fait à Porto-Novo, le 25 Décembre, 1892.

DODDS.

Annexe 7.

Arrêté relatif à la Perception des Taxes de Consommation dans les Protectorats du Bénin.—Porto-Novo, le 5 Septembre, 1893.

ART. 1^{er}. A dater de ce jour il sera perçu, dans les établissements et Protectorats du Bénin, des taxes de consommation fixées comme suit, sur les marchandises ci-dessous dénommées :—

(1.) Genièvre :

La caisse de 8 litres et au-dessous, de 0 degré à 20 degrés inclus, 2 fr.

La caisse de 8 litres et au-dessous, de 21 degrés à 50 degrés inclus, 3 fr.

Au-dessus de 50 degrés, augmentation proportionnelle de 6 centimes par caisse et par degré.

(2.) Alcools, rhums, tafias, et spiritueux de toute nature en fûts ou tout autre emballage (les dames-jeannes et les estagnons sont l'objet d'un traitement spécial):

De 0 degré à 10 degrés inclus par hectol. de liquide, 3 fr.

De 11 degrés à 20 degrés inclus par hectol. de liquide, 6 fr.

De 21 degrés à 30 degrés inclus par hectol. de liquide, 12 [?] fr.

De 31 degrés à 40 degrés inclus par hectol. de liquide, 12 fr.

De 41 degrés à 50 degrés inclus par hectol. de liquide, 15 fr.

Au-dessus de 50 degrés, augmentation proportionnelle:

De 51 degrés à 70 degrés inclus par hectol. et par degré, 40 centimes.

De 71 degrés à 90 degrés inclus par hectol. et par degré, 50 centimes.

Au-dessus de 90 degrés, 60 centimes.

(3.) Alcools, rhums, tafias, et spiritueux de toute nature en dames-jeannes et en estagnons :

Les alcools, rhums, tafias, et spiritueux de toute nature, importés en dames-jeannes et estagnons, seront soumis aux taxes des alcools, rhums, tafias, et spiritueux en fûts, plus une surtaxe de 5 centimes par litre.

(4.) Vins artificiels :

Le régime de l'alcool est applicable à tous les vins artificiels, c'est-à-dire, ne résultant pas de la fermentation du raisin frais, de quelque façon qu'ils aient été obtenus.

2. La perception des taxes s'effectuera en monnaie Française.

3. Toutes dispositions contraires au présent Arrêté sont abrogées.

4. Le présent Arrêté sera communiqué, enregistré partout où besoin sera, et inséré au " Journal Officiel " de la Colonie.

Fait à Porto-Novo, le 5 Septembre, 1893.

DODDS.

RAPPORT du Commissaire-Général du Gouvernement concernant les Mesures prises en exécution de l'Acte de Bruxelles dans le Congo Français.—Libreville, le 20 Mars, 1894.

M. LE SOUS-SECRÉTAIRE D'ÉTAT, *Libreville, le 20 Mars, 1894.*

CONFORMÉMENT AUX prescriptions de votre dépêche du 21 Décembre, 1893, j'ai l'honneur de vous adresser ci-joint copie des différents actes administratifs (Décret, dépêche ministérielle, Arrêtés locaux) concernant les mesures prises en vue de l'application de l'Acte de Bruxelles dans la Colonie du Congo Français, et postérieurs au 19 Mai, 1892, date du dernier des Arrêtés locaux relatifs au même objet, dont je vous ai donné connaissance par lettre en date du 6 Juin suivant.

J'ai cru enfin devoir joindre à ces différents actes un état statistique des armes et munitions, ainsi que les spiritueux importés dans la Colonie (zone nord) pendant les années 1891, 1892, et 1893.

Les mêmes renseignements statistiques concernant la région faisant partie du bassin Conventionnel du Congo ont été demandés au bureau des douanes de Loango et ne sont pas encore parvenus au chef-lieu. Dès leur réception à Libreville je m'empresserai de vous les adresser.

Ainsi que vous pourrez le remarquer par l'examen de l'état statistique ci-joint, l'introduction des fusils à silex et de la poudre de traite notamment, ainsi que des munitions en général, a sensiblement diminué pendant les années 1892 et 1893. L'importation des alcools et spiritueux, au contraire, est restée à peu près stationnaire, plutôt en augmentation pour la même période.

Je m'empresse d'ajouter que la promulgation et l'application de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890, dans la Colonie n'a eu aucune influence sur ces résultats, qui sont dus à d'autres causes, d'ordre différent. Le commerce des armes, munitions, spiritueux dans la zone nord de la Colonie était en effet soumis, antérieurement à l'Acte de Bruxelles, à un régime beaucoup plus rigoureux que celui établi par le dit Acte.

Quant à la Traite des Esclaves, telle qu'on l'entend dans l'acceptation stricte du mot, et consistant dans le commerce de chair humaine, elle n'existe pas à proprement parler dans les territoires de la Colonie.

Ce qu'on appelle esclavage au Gabon est constitué par l'habitude et l'usage des indigènes relativement riches d'adopter ou de recueillir des enfants et même des adultes pour les attacher à leur service. Ces prétendus esclaves font partie de la famille ou de la tribu, et

ne sont soumis à aucun mauvais traitement. Ils peuvent même quitter leurs maîtres et disposer de leur personne en toute liberté, tout au moins dans les régions voisines de nos postes d'occupation et soumises directement à notre influence.

Je suis, &c.,

Pour le Commissaire-Général absent,

DE CHAVANNES, *Lieutenant-Gouverneur*.

Annexe 1.

Arrêté portant Création d'une Taxe de Consommation sur les Poudres, Munitions, et Armes.—Libreville, le 11 Février, 1893.

Nous, Commissaire-Général du Gouvernement dans le Congo Français, Officier de la Légion d'Honneur,

Vu l'Article 51 de l'Ordonnance Organique du 7 Septembre, 1840 ;

Vu le Décret du 30 Janvier, 1867, concernant les pouvoirs des Gouverneurs et Commandants des Colonies en matière de contributions et de taxes ;

Vu le Décret du 11 Décembre, 1888 ;

Vu la Loi du 11 Janvier, 1892, portant application au Gabon des Tableaux (A) et (B) du Tarif Général des Douanes de France ;

Vu le Décret du 29 Novembre, 1892, fixant les exceptions au dit Tarif ;

Vu notre Arrêté du 10 Janvier, 1893, promulguant dans la Colonie les Loi et Décrets immédiatement précités ;

Vu les nécessités budgétaires ;

Sur la proposition du Directeur de l'Intérieur, le Conseil d'Administration entendu,

Avons arrêté et arrêtons :

ART. 1^{er}. A partir du jour de la publication du présent Arrêté au "Journal Officiel" de la Colonie, les armes et munitions désignées au Tableau ci-annexé, dont l'importation est autorisée dans la région de la Colonie ne faisant point partie du bassin Conventionnel du Congo, seront soumises au paiement des taxes de consommation indiquées dans le dit Tableau.

2. Les dispositions des Articles 2, 3, et 4 de notre précédent Arrêté du 29 Décembre, 1892,* concernant la perception des taxes de consommation sur les spiritueux, sont applicables au présent.

3. Le Directeur de l'Intérieur est chargé de l'exécution du

... "Ministère" de la Colonie.

1. ANNES, Lieutenant-Gouverneur

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L'Académie des sciences et belles-lettres de Paris a honoré de son patronage la publication de cet ouvrage.

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Les Liqueurs du Tarif Général des Liqueurs désignées au Tableau ne faisant point de la Colonie ne faisant point de la Colonie, seront soumis au paiement des Droits dans le dit Tableau.

eaux-de-vie et liqueurs dénommés à ce Tarif, quels qu'en soient l'origine, la provenance et le pavillon importateur.

3. Le service des Douanes est chargé, pour le compte du service local, d'assurer la liquidation et la perception des dits droits de consommation.

4. Les dispositions législatives et réglementaires relatives aux douanes seront applicables aux droits de consommation en tout ce qui concerne les déclarations, la mise en entrepôt, le contentieux, la liquidation et la perception des droits et le cabotage.

5. Le Directeur de l'Intérieur est chargé de l'exécution du présent Arrêté, qui sera publié et enregistré partout où besoin sera et inséré aux "Journal" et "Bulletin Officiels" de la Colonie.

Libreville, le 29 Décembre, 1892.

Pour le Commissaire-Général du Gouvernement absent,
DE CHAVANNES, *Lieutenant-Gouverneur*.

Par le Commissaire-Général du Gouvernement :
LIPPMANN, *Directeur de l'Intérieur*.

*Tarif des Taxes de Consommation applicables dans la partie nord du
Congo Français (Arrêté local du 29 Décembre, 1892).*

Désignation des Marchandises.	Unités.	Droits.
		Fr. c.
Spiritueux, eaux-de-vie, et liqueurs à 50 degrés et au-dessus	Hectol. ..	60 00
Spiritueux, eaux-de-vie, et liqueurs de 25 degrés à 49 degrés	" ..	36 00
Spiritueux, eaux-de-vie, et liqueurs de traite titrant moins de 25 degrés	" ..	24 00
Liqueurs autres	" ..	36 00

Note.—Les liquides importés en dames-jeannes, touques, ou autres vases de l'espèce, seront traités de la même manière que ceux présentés en bouteilles.

Les contenances des bouteilles seront déterminées d'après les bases suivantes :—

Seront considérées contenir 0.50 litre celles d'une contenance atteignant 0.50 litre inclusivement;

Seront considérées contenir 1 litre, celles d'une contenance de 0.50 à 1 litre inclusivement;

Seront considérées contenir 1 litre 50 centil., celles contenant de 1 litre exclusivement à 1 litre 50 centil. inclusivement;

Seront considérées contenir 2 litres, celles contenant de 1 litre 50 centil. exclusivement à 2 litres inclusivement;

et de suite, passant de la fraction $\frac{1}{2}$ à l'unité.

DECRET portant Réglementation de l'Importation et du Commerce des Armes et Munitions à Diego-Suarez, Nossi-Bé, et Sainte-Marie-de-Madagascar.—Paris, le 10 Octobre, 1894.

LE Président de la République Française,

Vu l'Article 18 du Sénatus-Consulte du 8 Mai, 1854 ;

Vu l'Article 28 du Décret du 28 Mars, 1894, portant organisation de la justice à Diego-Suarez ;

Vu les Articles VIII à XIV inclus de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890 ;*

Vu les Arrêtés du Gouverneur de Diego-Suarez des 7 Décembre, 1893,† et 1^{er} Mars, 1894, et l'Arrêté de l'Administrateur de Nossi-Bé du 6 Décembre, 1893 ;‡

Sur la proposition du Ministre des Colonies,

Décède :

ART. 1^{er}. L'importation, la vente, le transport, et la détention d'armes à feu quelconques, de la poudre, des balles, et des cartouches sont interdits dans les Colonies de Diego-Suarez, Sainte-Marie-de-Madagascar, et Nossi-Bé, sauf dans les cas et sous les conditions ci-après déterminés.

2. Les armes à feu et les munitions à l'usage des troupes, et la police, ou de toute autre force publique, ne sont pas soumises aux dispositions du présent Décret.

3. La vente, le transport, et la détention des fusils à silex non rayés et des poudres de traite peuvent être autorisés, à Diego-Suarez par le Gouverneur, à Sainte-Marie-de-Madagascar et à Nossi-Bé par les Administrateurs.

4. A titre purement individuel, l'importation, le transport, et la détention des armes à feu perfectionnées et de leurs munitions, c'est-à-dire, autres que les fusils à silex non rayés et la poudre de traite, pourront être autorisés par le Gouverneur de Diego-Suarez et les Administrateurs de Sainte-Marie-de-Madagascar et de Nossi-Bé.

Cette autorisation sera délivrée seulement :

(1.) Aux personnes offrant une garantie suffisante que l'arme et les munitions qui leur seraient délivrées ne seront pas données, cédées ou vendues à des tiers ;

(2.) Aux voyageurs étrangers munis d'une déclaration de leur Gouvernement constatant que l'arme et les munitions sont exclusivement destinées à leur défense personnelle.

5. Les armes à feu et les munitions déjà importées dans les Colonies susvisées et celles qui y seront exceptionnellement im-

* Vol. LXXXII, page 55.

† Vol. LXXXV, page 672.

‡ Vol. LXXXV, page 671.

portées devront être déposées dans des entrepôts publics, ou laissées à la garde des importateurs, à charge par eux de les représenter à toute réquisition de l'autorité.

À cet effet, les commerçants devront faire, par écrit, la déclaration détaillée de toutes les armes et munitions existant dans leur magasin.

Elles ne pourront être retirées des entrepôts ou magasins particuliers que sur autorisation spéciale.

6. Le transit des armes à feu et des munitions à destination de Madagascar est interdit ; pour toute autre destination il n'est autorisé, dans les territoires de Diego-Suarez, de Sainte-Marie-de-Madagascar et de Nossi-Bé, que dans les conditions prévues par l'Article X de l'Acte Général de Bruxelles.

7. Toute personne convaincue d'avoir, contrairement aux dispositions du présent Décret, introduit, cédé ou vendu des armes ou munitions prohibées, sera punie d'une amende de 1,000 fr. à 2,000 fr. et d'un emprisonnement de trois mois à deux ans ou de l'une de ces deux peines seulement.

Toute personne coupable d'avoir contrevenu aux règles du présent Décret, en ce qui concerne le retrait des armes et des munitions des entrepôts publics ou magasins particuliers, sera punie d'une amende de 500 fr. à 1,000 fr.

8. L'Article 463 du Code Pénal est applicable aux cas prévus dans l'Article précédent.

En cas de récidive, la peine sera portée au double.

Toute condamnation entraînera la confiscation des armes et munitions irrégulièrement détenues, cédées ou vendues.

9. Toutes dispositions contraires au présent Décret sont et demeurent abrogées.

10. Le Ministre des Colonies est chargé de l'exécution du présent Décret.

Fait à Paris, le 10 Octobre, 1894.

CASIMIR PÉRIER.

Par le Président de la République :

DELCASSÉ, *Ministre des Colonies*.

*DÉPÊCHE du Gouverneur de la Colonie d'Obock touchant la
Traite des Esclaves.—Obock, le 30 Mars, 1894.*

M. LE MINISTRE,

Obock, le 30 Mars, 1894.

En réponse à la communication que M. le Sous-Secrétaire d'État avait bien voulu m'adresser, au sujet des renseignements à fournir au Bureau spécial de Bruxelles, touchant la Traite des Esclaves, j'ai

l'honneur de vous informer que l'application de l'Acte Général du 2 Juillet, 1890, se poursuit sur le territoire de la Colonie et sur celui de nos Protectorats dans les conditions indiquées par ma dépêche du 24 Novembre, 1892.*

Cette année encore, quelques très rares esclaves provenant du pays Gallas ont gagné le sol de nos possessions et ont été délivrés aussitôt.

L'autorité locale n'a point cessé d'apporter l'attention la plus soutenue à l'étroite surveillance des boutres indigènes, aussi bien qu'à celle de la Traite par terre; toutefois, dans la période qui vient de s'écouler et malgré le recours à des visites répétées, aucun fait suspect n'a été relevé ni par la canonnière *l'Étoile* ni par les Agents de la Colonie ou des Protectorats.

Quant au commerce des armes, il reste toujours formellement interdit avec les populations Musulmanes de nos côtes. Sous ce rapport, les mesures de contrôle dont j'ai déjà eu l'honneur de rendre compte au Département continuent à être appliquées comme par le passé.

Veuillez agréer, &c.,

LAGARDE.

DÉCRET portant Réglementation de l'Importation et du Commerce des Armes et Munitions dans la Colonie d'Obock.— Paris, le 10 Octobre, 1894.

Le Président de la République Française,

Vu l'Article 18 du Sénatus-Consulte du 3 Mai, 1854;

Vu le Décret du 10 Décembre, 1884, portant approbation du Traité du 21 Septembre, 1884, relatif au Protectorat du Sultanat de Tadjourah et des pays Danakils;

Vu l'Article 13 du Décret du 2 Septembre, 1887, portant organisation de la justice à Obock;

Vu le Décret du 4 Septembre, 1894, portant organisation de la justice dans le Protectorat de la côte des Somâlis;

Vu les Articles VIII à XIV inclus de l'Acte Général de Bruxelles du 2 Juillet, 1890;†

Sur la proposition du Ministre des Colonies,

Décète :

ART. 1^{er}. L'importation, la vente, le transport, et la détention d'armes à feu quelconques, de la poudre, des balles, des cartouches, et des armes blanches Européennes ou assimilées sont interdites dans

* Vol. LXXXIV, page 374.

† Vol. LXXXII, page 55.

la Colonie d'Obock ou les Protectorats s'y rattachant, sauf dans les cas et sous les conditions ci-après déterminés.

2. Les armes à feu, les munitions, et les armes blanches à l'usage des troupes, de la police, ou de toute autre force publique ne sont pas soumises aux dispositions du présent Décret.

3. A titre purement individuel, l'importation, le transport, et la détention sur le territoire de la Colonie ou des Protectorats, d'armes à feu, de poudre, de munitions, ou d'armes blanches Européennes ou assimilées, pourront être exceptionnellement autorisés par le Gouverneur Chef des Protectorats, ou son délégué.

Cette autorisation sera seulement accordée :

(1.) Aux personnes offrant une garantie suffisante que les armes et munitions qui leur seraient délivrées ne seront ni cédées ni vendues sur les territoires de la Colonie ou des Protectorats, ou dans les autres pays non-Chrétiens de la côte orientale ;

(2.) Aux voyageurs étrangers munis d'une déclaration de leur Gouvernement constatant que les armes et munitions sont exclusivement destinées à leur défense personnelle.

4. Les armes quelconques et les munitions déjà importées dans la Colonie et dans les Protectorats, et celles qui y seront importées dans les cas prévus aux Articles 3 et 5 du présent Décret, devront être déposées dans un entrepôt public ou privé, aux risques, charges, et périls des importateurs et entrepositaires, les commerçants devant faire par écrit la déclaration détaillée des armes et munitions existant en magasin ou en entrepôt.

Elles ne peuvent en être retirées que sur autorisation spéciale.

5. Le transit intérieur des armes à feu, de la poudre, des munitions, et des armes blanches Européennes ou assimilées, dans la Colonie d'Obock et dans les Protectorats, ne sera autorisé qu'à destination exclusive de l'Empire Éthiopien.

En ce qui concerne les Chefs ou sujets Éthiopiens, établis ou de passage sur la côte, la cession ou la vente ne sera autorisée que sous réserve d'une garantie suffisante que les armes et munitions ne seront ni cédées ni vendues, à moins d'une nouvelle autorisation, dans les territoires de la Colonie, ceux des Protectorats ou toute autre contrée non Chrétienne de la côte orientale.

6. Toute personne relevant de la juridiction Française, convaincue d'avoir, contrairement aux dispositions du présent Décret, introduit, cédé ou vendu, dans la Colonie ou dans les Protectorats, des armes, de la poudre, ou des munitions, sera punie d'une amende de 1,000 à 2,000 fr. et d'un emprisonnement de trois mois à deux ans, ou de l'une de ces deux peines seulement.

Toute personne relevant de la même juridiction, coupable d'avoir contrevenu aux règles du présent Décret, en ce qui concerne le dépôt ou le retrait des armes et munitions dans les magasins et

entrepôts privés ou publics, sera punie d'une amende de 500 fr. à 1,000 fr.

En cas de récidive les peines seront portées au double.

L'Article 463 du Code Pénal est applicable.

Toute condamnation entraîne la confiscation des armes, de la poudre, et des munitions irrégulièrement détenues, cédées, ou vendues.

7. Les individus relevant de la justice indigène de la Colonie ou de celle des Protectorats, qui se seront rendus coupables des faits prévus à l'Article 6, seront punis de peines équivalentes à celles édictées dans cet Article, et seront poursuivis par la juridiction locale, d'après les usages et coutumes.

8. Le Ministre des Colonies est chargé de l'exécution du présent Décret.

Fait à Paris, le 10 Octobre, 1894.

CASIMIR PÉBIER

Par le Président de la République :

DELCASSÉ, *Ministre des Colonies.*

REGULATIONS issued by Her Majesty's Agent and Consul-General at Zanzibar, respecting the Conditions under which Native Vessels may be authorized to carry the British Flag.—Zanzibar, July 14, 1894.

NOTICE.

WHEREAS under the provisions of "The Zanzibar Order in Council, 1888,"* as amended by "The Zanzibar (Jurisdiction) Order in Council, 1893,"† the Consul-General has power from time to time to make Regulations for peace, order and good government, and for enforcing the observance of any Treaty or Convention to which Her Majesty may be a party;

And whereas Her Majesty is a party to the General Act of the Brussels Conference signed at Brussels on the 2nd July, 1890;‡

It is hereby notified that the Consul-General has, in pursuance of the powers aforesaid, made the following Regulations:—

1. The Articles in the Schedule to these Regulations, which have been drawn up in conformity with the General Act of the Brussels Conference, are hereby declared to be binding on all British subjects and British-protected persons as Regulations under the said Order in Council.

* Vol. LXXIX, page 1060.

† Vol. LXXXV, page 1051.

‡ Vol. LXXXII, page 55.

2. Authority to carry the British flag will be granted by Her Majesty's Agent and Consul-General to fitters-out and owners of native vessels on the terms and subject to the conditions appearing in the said Articles.

3. Except the granting of the authority to carry the British flag, any power referred to in the said Articles may be exercised by any Consul, Vice-Consul, or by other officer or person appointed by the Consul-General.

4. Any British subject or British-protected person convicted of any breach or contravention of the said Articles, or of resisting or obstructing any officer in the execution of his duty in relation thereto, is liable to be punished as prescribed in the said Order in Council, that is to say, with fine which may extend to 1,000 rupees, or with imprisonment which may extend to two months, or both.

SCHEDULE.

ART. 1. The term "native vessel" applies to vessels fulfilling one of the two following conditions:—

(1.) It must present the outward appearance of native build or rig.

(2.) It must be manned by a crew of whom the captain and the majority of the seamen belong by origin to a country having a sea-coast on the Indian Ocean, the Red Sea, or the Persian Gulf.

2. Authority to fly the British flag will only be granted to such native vessels as satisfy all the three following conditions:—

(1.) Their fitters-out or owners must be either British subjects or British-protected persons.

(2.) They must furnish proof that they possess real estate situated in the district of the authority to whom their application is addressed, or supply a solvent security as a guarantee for any fines to which they may eventually become liable.

(3.) Such fitters-out or owners, as well as the captain of the vessel, must furnish proof that they enjoy a good reputation, and especially that they have never been condemned for acts of Slave Trade.

3. The authorization when granted must be renewed every year. It can at any time be suspended or withdrawn by the British authorities.

4. The deed of authorization shall bear the indications necessary to establish the identity of the vessel. The captain shall have the custody of it. The name of the native vessel and the indication of its tonnage shall be inlaid and painted in Latin characters on the stern; and the initial "Z," as well as the registration number in the series of numbers of the port of Zanzibar, shall be printed in black on the sails.

5. A crew list shall be issued to the captain of the vessel by the Port Officer. Should circumstances oblige the captain to engage a new crew at any other port than Zanzibar, he will apply for the crew list to the territorial authority. The crew list shall be renewed each time the vessel is fitted out, or, at latest, at the end of a year, and in conformity with the following provisions:—

(1.) The list will be *visé* at the moment of departure at the Port Office Zanzibar, and elsewhere by the territorial authority.

(2.) No negro can be engaged as a seaman on a vessel without having been previously questioned at the Port Office, or, if engaged elsewhere than at Zanzibar, by the territorial authority, with a view to establishing that he has contracted a free engagement.

(3.) These authorities will see that the proportion of seamen and boys is not out of proportion to the tonnage and rig of the vessels.

(4.) The men will be inscribed, after due interrogation, in the crew list, and a short description of each will be mentioned against his name.

(5.) The responsibility for proceeding to sea with any of these conditions unfulfilled rests with the captain.

6. No dhow is allowed to sail to any port of the mainland or to any port outside the Sultan's dominions from any place in Zanzibar Island except Zanzibar Harbour.

7. If the captain or owner desires to embark negro passengers he shall make declaration thereof to the Port Officer in Zanzibar, and elsewhere to the territorial authority. The passengers will be interrogated, and after it has been understood that they embark of their own free will, they shall be inscribed in a special manifest, bearing the description of each of them against the name, and indicating especially sex and height. Negro children will not be admitted as passengers unless accompanied by their relations or by persons of known respectability. Before departure the manifest will be *vised* by the authority which has issued it, after being duly called over. If there are no passengers this shall be notified on the crew list. The responsibility for proceeding to sea with any of the above conditions unfulfilled rests with the captain.

8. On arrival at Zanzibar the captain shall immediately proceed to the Port Office with all his papers, accompanied by any passengers he may have brought with him, who will be there checked, whether their ultimate destination be Zanzibar or some further port of call. The Port Officer will correct the passenger manifest if necessary, and if the vessel be proceeding further affix a fresh *visa*.

On arrival at any foreign port the captain will proceed in conformity with the regulations there in force.

9. On the African coast and adjacent islands, including the dominions of His Highness the Sultan, no negro passenger shall be shipped on board, nor landed from, a native vessel, except in localities where there is a resident authority belonging to one of the Signatory Powers of the Brussels Act.

10. Native vessels are required to fly the flag on arrival in and departure from, as well as throughout the whole of their stay in harbour, and when at sea the flag is to be hoisted immediately on the approach of a man-of-war or of its boats.

11. Any act or attempted act of Slave Trade legally brought home to the captain, fitter-out, or owner of a vessel authorized to fly the British flag will entail the immediate withdrawal of this authorization in addition to any penalties otherwise imposed.

12. Should British Consular authorities hereafter be resident at ports other than Zanzibar in the dominions of His Highness the Sultan, unless it be otherwise specially appointed, the functions referred to as being exercised by the territorial authority will there, in so far as British subjects or British-protected persons are concerned, be exercised by such Consular authorities.

Annex to the above Articles.

TABLE OF FEES.

At the British Agency and Consulate-General, Zanzibar.

	£	s.	d.
For permission to fly the British flag	1	0	0

At the Port Office.

	Rs.	a.
For registration, including crew list and letters for sail—		
If under 10 tons	5	0
Over 10 and under 50 tons	10	0
Over 50 and under 100 tons	15	0
Over 100 tons	25	0
Duplicate licence	5	0
Duplicate cloth numbers	5	0
Duplicate zinc numbers	0	8
For passenger manifests	1	0
Renewal of crew list, each time	1	0

These Regulations come into force after seven clear days from the date of publication.

Zanzibar, July 14, 1894.

ARTHUR H. HARDINGE, *Her Britannic Majesty's
Diplomatic Agent and Consul-General.*

NOTE VERBALE adressée par le Ministère des Affaires Étrangères de Turquie à la Légation de Belgique à Constantinople, relative à l'Affranchissement des Esclaves dans le Vilayet du Yémen.—Constantinople, le 3 Décembre, 1894.

POUR faire suite à sa note verbale en date du 18 Novembre dernier, le Ministère des Affaires Étrangères a l'honneur d'informer la Légation de Sa Majesté le Roi des Belges que, d'après les renseignements télégraphiques fournis par le Gouverneur-Général du vilayet du Yémen, le nombre des esclaves affranchis pendant les quatre dernières années a été de 30 au chef-lieu du vilayet, de 445 à Hodeidah et de 8 à Assir, et la prie de vouloir bien faire à qui de droit les communications nécessaires, pour qu'il en soit fait également mention dans le prochain recueil du Bureau International de Bruxelles.

CONVENTION between France and Portugal, relative to Telegraphic Communication with Madagascar.—Signed at Lisbon, December 7, 1894.

[Ratifications exchanged at Lisbon, October 25, 1897.]

SA Majesté le Roi de Portugal et des Algarves et le Président de la République Française, en vue de favoriser l'établissement de communications télégraphiques entre les divers établissements Européens de l'Océan Indien et du Canal de Mozambique et l'Île de Madagascar, et usant de la faculté qui leur est accordée par l'Article XVII de la Convention Télégraphique Internationale signée le 22 Juillet, 1875,* à Saint-Petersbourg, ont résolu de conclure une Convention spéciale à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Portugal et des Algarves le Conseiller Carlos Lobo d'Avila, son Ministre et Secrétaire d'État des Affaires Étrangères;

Le Président de la République Française Mr. G. Bihourd, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française près Sa Majesté le Roi de Portugal et des Algarves;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement Portugais accorde au Gouvernement Français la faculté de faire atterrir un câble sur le territoire de Mozambique en un point de la côte voisin du Bureau Télégraphique de Mozambique exploité actuellement par la Compagnie "The Eastern and South African Telegraph."

II. L'autorisation de faire atterrir le câble comporte celle d'établir une guérite d'atterrissement et une ligne terrestre pour relier le point d'atterrissement du câble au bureau chargé de le exploiter.

III. Le Gouvernement Portugais accordera toutes facilités pour permettre au Gouvernement Français d'installer le dit bureau de manière à rendre les échanges de télégrammes faciles et rapides avec les bureaux de la Colonie et les bureaux des autres compagnies de câble.

Cette installation sera faite exclusivement aux frais du Gouvernement Français, le Gouvernement Portugais consentant seulement à la Concession gratuite du terrain nécessaire à la construction, s'il existe un emplacement disponible sur un point réunissant les conditions prévues au paragraphe précédent et s'il est reconnu nécessaire par le Gouvernement Français de recourir à une construction.

* Vol. LXVI, page 19.

IV. Le point d'atterrissement du câble, l'emplacement de la guérite d'atterrissement et du bureau d'exploitation, et les conditions d'établissement de la ligne terrestre seront déterminés d'un commun accord entre les Délégués du Gouvernement Français et les autorités locales de la Colonie.

V. Le Gouvernement Français pourra, sous sa responsabilité et son contrôle, confier l'exploitation et l'entretien du dit câble à une entreprise privée, agréée par lui, en garantissant vis-à-vis du Gouvernement Portugais l'exécution de toutes les obligations résultant du présent arrangement.

VI. Les dispositions de la Convention Télégraphique Internationale de Saint-Petersbourg et du règlement de service adopté par la Conférence Télégraphique Internationale de Paris,* ou de tous autres actes par lesquels ils seraient ultérieurement remplacés, seront applicables à l'exploitation du dit câble.

VII.† Les correspondances échangées par le câble seront soumises au régime extra-Européen. Les taxes terminales et de transit à attribuer au Gouvernement Portugais et applicables, suivant le cas, aux correspondances circulant par le câble, seront respectivement fixées à 10 centimes et à 15 centimes par mot.

Les comptes des taxes sus-indiquées et leur montant seront

* Vol. LXXXII, page 869.

† The following Protocol amending Article VII was signed at Lisbon on the 28th April, 1896:—

Protocole.

Par rapport à la Convention entre le Portugal et la France, signée le 7 Décembre, 1894, réglant les conditions d'atterrissement du câble sous-marin de Mozambique à Majunga, les Soussignés, Louis Marie Pinto de Soveral, Ministre et Secrétaire d'État des Affaires Étrangères de Sa Majesté Très-Fidèle, et le Comte d'Ormesson, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française, sont convenus de ce qui suit:—

1. Le paragraphe premier de l'Article VII de la dite Convention, fixant les taxes à percevoir par l'administration de la Province de Mozambique, est modifié de la façon suivante:

Toutes les correspondances télégraphiques originaires ou à destination de Madagascar payeront les taxes ci-après:

Télégrammes particuliers—

Taxes terminales, 10 centimes par mot;

Taxes de transit, 10 centimes par mot.

Télégrammes d'État Français et de presse—

Taxes terminales, 5 centimes par mot;

Taxes de transit, 5 centimes par mot.

2. Le paragraphe deux du susdit Article est maintenu.

Le présent Protocole fera partie intégrante de la Convention à laquelle il se rapporte, les deux actes devant être ratifiés dans un seul et même instrument.

Fait en double expédition à Lisbonne, le 28 Avril, 1896.

LUIZ DE SOVERAL.
D'ORMESSON.

remis par les soins de la Administration Française à la Direction Générale des Colonies à Lisbonne, dans les conditions prévues par le Règlement du Service Télégraphique International.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Lisbonne, en double original, le 7 Décembre, 1894.

(L.S.) CARLOS LOBO D'AVILA.

(L.S.) G. BIHOUD.

*CONSTITUTION of the Republic of Nicaragua.—Managua,
December 10, 1893.*

(Translation.)

— — —
TITLE I.—Of the Nation.

ART. 1. Nicaragua is a separate section of the Central American Republic. Consequently, it recognizes as a primary necessity a return to the union with the other sections of the dissolved Republic. With that object the Executive Power is invested with the faculty of definitely ratifying Treaties tending to that end with one or more States of the old federation.

2. Nicaragua is a free, sovereign, and independent nation.

3. The sovereignty is inalienable and imprescriptible, and resides essentially in the people.

4. Public functionaries shall have no other faculties than those expressed by law. Any act done beyond the limits of the law is null and void.

5. The boundaries of Nicaragua and its territorial divisions will be determined by law.

TITLE II.—Of the Nicaraguans.

6. Nicaraguans are natives or naturalized.

7. The following are held to be natives:

(1.) Those born in Nicaragua of Nicaraguan fathers or of foreigners domiciled therein;

(2.) Children of a Nicaraguan father or mother born abroad when they choose Nicaraguan nationality. This disposition may, however, be modified by Treaties under reciprocity;

(8.) Those belonging to other Republics of Central America who may declare before the proper Departmental authority their desire to become Nicaraguans.

8. Nicaraguans by naturalization are—

(1.) Spanish Americans who have resided one year in the country and who declare their desire to be naturalized therein before the proper authority ;

(2.) Other foreigners with two years' residence who may similarly declare their wishes ;

(3.) Those who obtain a certificate of naturalization from the authority designated by law.

TITLE III.—Of Foreigners.

9. The Republic of Nicaragua is a sacred asylum to all persons taking refuge in its territory.

10. Foreigners shall be obliged from their arrival in the territory of the Republic to respect the authorities and to observe the laws.

11. Foreigners enjoy in Nicaragua all the civil rights of Nicaraguans.

12. They may acquire all kinds of property in the country, being subject, however, in respect of such property, to all the ordinary or extraordinary charges to which the nationals are subject.

13. They shall make no claims, nor demand indemnity of the State except in the cases and in the manner as would apply in the case of Nicaraguans.

14. Foreigners who having made unjust claims have recourse to diplomatic intervention shall lose the right to dwell in the country if such claims are not determined in a friendly manner.

15. Extradition shall not be granted for political offences, even though the nature of such be that of a common offence.

16. The cases in which extradition for serious common offences shall take place shall be determined by law and Treaties.

17. The law shall establish the cases and the form in which entry to the national territory may be denied to a foreigner, as also those in which his expulsion may be ordered when his presence may be considered pernicious.

18. The law and Treaties shall regulate the use of these guarantees, but shall not diminish nor alter them.

19. The dispositions of this Title do not modify the Treaties in force between Nicaragua and other countries.

TITLE IV.—Of the Citizens.

20. The following are citizens :

All Nicaraguans over 18 years of age, and those over 16 years who may be married or able to read and write.

21. The rights of citizens are as follows :

Suffrage, eligibility for public office, and to possess and carry arms, all in conformity with the law.

22. The rights of citizenship are suspended—

(1.) For sentence of imprisonment or a declaration that there is ground for criminal proceedings ;

(2.) For vagrancy, legally declared ;

(3.) For mental alienation, judicially declared ;

(4.) For sentence of deprivation of the exercise of political rights during the term of such sentence ;

(5.) For being declared a fraudulent debtor, unless a judicial discharge be obtained ;

(6.) For a punishment which carries with it more than a correctional penalty ;

(7.) For being admitted to the employment of foreign countries without the permission of the Legislative Power, if the person so employed resides in Nicaragua. The Republics of Central America are not foreign nations.

23. The exercise of voting may not be renounced and is obligatory for all citizens.

24. The ballot is direct and secret. The elections shall be carried out in the form prescribed by law, the latter giving a proportionate representation to minorities.

25. All citizens above the age of 21 years who are in the exercise of their rights are eligible.

TITLE V.—*Of Rights and Guarantees.*

26. The Constitution guarantees to the inhabitants of the nation, whether Nicaraguan or foreigners, personal security, liberty, equality, and property.

27. The death penalty remains abolished in Nicaragua.

28. The Constitution recognizes the guarantee of the *habeas corpus*.

29. Every inhabitant has the right of appeal from producing his person even against the military or recruiting authorities when the demand is illegally made.

30. A warrant of arrest not issued by the competent authority or dictated without legal formalities is contrary to law.

31. Detention for investigation shall not exceed the term of eight days.

32. An offender taken in *flagrante delicto* may be apprehended by any person with the proviso that he be immediately taken before an authority having the power to order his arrest.

33. No committal to prison may be ordered unless it has been previously proved fully that an offence has been committed punishable

by more than a correctional penalty, and unless there is at least strong presumptive evidence as to who is the author of such offence.

34. Imprisonment or arrest is permitted, as punishment, or for detention, in the cases and for the term prescribed by law.

35. No person may be tried by special commissions, nor before Judges other than those designated by the law which must have existed previously to the committal of the act upon which the proceedings originated.

36. In criminal proceedings the accused is prohibited from taking oath respecting his own acts.

37. No one may be deprived of the right of defence. Perpetual penalties, flogging, and all kinds of torture are prohibited.

38. Imprisonment for debt is prohibited, even for agricultural obligations.

39. Prisoners or persons detained may not be deprived of communication with other persons except by virtue of a written order of the proper authority, for a period which may not exceed three days, and only for grave reasons.

40. No one may be imprisoned or detained in any places except those determined by law.

41. The house of every individual is a sacred asylum, which may not be violated except by authority and in the following cases:

(1.) For the removal of a criminal caught *in flagrante*;

(2.) For offences committed in the interior of a house, for scandalous disorder requiring prompt remedy, or upon a summons from within a house;

(3.) In case of fire, earthquake, inundations, epidemics, or other analogous events;

(4.) For the removal of objects required to be produced by virtue of judicial procedure, partial proof at least being previously forthcoming of the existence of the objects referred to, or for the execution of a judicial warrant legally issued;

(5.) To set free a person illegally detained;

(6.) For the apprehension of a criminal who has been sentenced to imprisonment or detention, partial proof at least being previously furnished that he is in hiding in the house which it is proposed to enter.

In the last three cases the entrance shall not be made without a written order by the competent authority.

In the event of the house to be entered not being that of the criminal pursued, the authority or his agents shall previously solicit the permission of the occupier.

42. The forcible entry of a house in the cases which require a written order of the authorities may not be made between the hours of 7 o'clock in the evening and 6 o'clock in the morning. Neither

shall an offender caught in the act, and pursued by the authorities, be taken from a house not his own during the hours aforesaid.

43. In no case shall the Executive Power or its agents be able to withhold, open, or detain epistolary or telegraphic correspondence. Such correspondence taken from the post-offices or from any other place may not be used in evidence against any person.

44. Private papers may be seized only by virtue of an order of a competent Court in such civil and criminal matters as may be determined by law. They must be inspected in the presence of the owner, or, in his absence, in the presence of witnesses, and those shall be returned which have no connection with the matter under investigation.

45. No person shall be annoyed or persecuted for his opinions. Private actions which do not disturb public order or morality, or which cause no injury to a third party, shall always be beyond the action of the law.

46. All proscriptive, confiscatory, or retroactive laws are prohibited, as also those which establish infamous punishments.

47. There shall be no power in Nicaragua to legislate for the establishment or protection of any religion, nor shall the free exercise of any religion be prohibited.

48. The civil status of any persons shall not be affected by a definite religious belief.

49. The expression of thought in speech or in writing is free, and may not be restricted by law. Neither shall the circulation of the press, whether native or foreign, be impeded. The offence of libel or slander committed in the press shall be previously verified by a jury.

50. Freedom of education is guaranteed. That which is defrayed from public funds will be secular; primary instruction will, moreover, be gratuitous and compulsory. A law will regulate education without restricting its freedom or the independence of its professors.

51. The exercise of all industries, callings, or professions is free and exempt from all previous titles and subject to no regulations.

52. Liberty of meeting without arms, and association for any lawful purpose, religious, moral, or scientific, are guaranteed. The law shall not support associations which constitute a power to compel blind obedience, which are contrary to individual rights, or which impose moral vows to perpetual seclusion ("clausura").

53. All persons are free to dispose of their property without any kind of restrictions, either by sale, donation, testament, or in any other legal manner.

54. Entails and all institutions favouring mortmain are prohibited.

55. All persons have the right to forward Petitions to the

legally-constituted authorities, who shall decide upon them and shall make known the decision arrived at upon them.

56. All shall have the right to enter the Republic and to leave it, to remain permanently in its territory and to travel through it.

57. No personal service shall be exacted from any one without due remuneration.

58. The law will not recognize personal privileges.

59. Proportionality shall be the basis of all taxation.

60. No person may be deprived of his property except by virtue of law or of a sentence founded upon it. Expropriation for public purposes must be authorized by a law or by a decree in execution thereof, and shall not be carried out without previous indemnification. In the event of war it shall not be necessary that the compensation shall be previously settled.

61. Every author or inventor shall enjoy the exclusive property of his work or invention for such time as may be determined by law.

62. The right to claim confiscated property is imprescriptible.

63. No penalty heavier than a correctional one shall be pronounced unless preceded by a judicial declaration as to the responsibility of the presumed offender.

64. Every monopoly attacking agricultural industry shall be prohibited.

65. The above-mentioned guarantees, except those which relate to the inviolability of human life and the prohibition of confiscatory laws, may be temporarily suspended by the declaration of a state of siege.

66. The laws which regulate the exercise of these guarantees shall be of no effect so far as they diminish, restrict, or falsify them.

67. The functionary who restricts the operation of any of the guarantees contained in this Title shall be liable to pay compensation proportionate with the extent of injury caused; such compensation shall be regulated by the Courts, and shall never be less than 50 pesos in favour of the injured party.

TITLE VI.—*Of the Form of Government.*

68. The Government of Nicaragua is Republican, democratic, and representative. It is composed of three independent Powers, the Legislative, the Executive, and the Judicial.

TITLE VII.—*Of the Legislative Power.*

69. The Legislative Power is exercised by an Assembly or Congress of Deputies which shall meet in the capital of the Republic on the 1st January of each year without requiring to be convoked.

70. Its Sessions shall last for sixty days, and may be prorogued for thirty days more if circumstances of special interest require it.

71. The Legislative Power may likewise meet in Extraordinary Session when convoked by the Executive. In that event only such matters shall be dealt with as formed the subject of the Decree of Convocation.

72. The Assembly installed in the capital may, by agreement, remove itself to any other city.

73. On the 25th December of each year the Deputies shall meet in preliminary Committee ("Juntas preparatorias"), and, with the concurrence of five at the least, shall organize the Directorate ("Directorio") in order to dictate the requirements necessary for the installation of the Assembly.

74. The presence of an absolute majority of the members composing the Congress shall be sufficient with which to open the Sessions.

75. A body of five Deputies may convoke extraordinarily the Assembly at any place in the Republic when the Executive may have suspended the Sessions or have dissolved the Assembly.

76. The Deputies shall continue in discharge of their functions for four years, and are renewed by moieties every two years.

77. To be a Deputy it is necessary to be a layman and elected by the people.

78. The following may not be Deputies :—

(1.) Officials in the enjoyment of salaries, nominated by the Executive ;

(2.) Magistrates of the Courts of Justice, and inferior Judges in the electoral district of their jurisdiction ;

(3.) The kindred of the President of the Republic within the second degree of consanguinity or affinity ;

(4.) Those who have administered or collected public funds, unless they shall have closed their accounts.

79. Deputies from the date of their election shall enjoy the following prerogatives :—

(1.) Personal immunity from accusation or prosecution, unless the Assembly shall have previously declared the grounds upon which the charge is based ;

(2.) Freedom from any civil summons during a period extending from thirty days before to fifteen days after the ordinary or extraordinary Sessions of the Assembly ;

(3.) Freedom from military service, unless by consent, from the date of election to the end of the electoral period ;

(4.) Not to be banished from the Republic nor confined during the period for which they have been elected.

80. Deputies may not be employed under the Executive Power during the time for which they have been elected, except as Secretaries of State, Diplomatic Representatives, and University and Collegiate Professors. In accepting any of these offices they resign their seats as Deputies.

81. For the election of Deputies to Congress the territory of the Republic shall be divided into electoral districts, which shall contain 10,000 inhabitants or a fraction thereof not less than 5,000.

TITLE VIII.—*Of the Attributes of the Legislative Power.*

82. The following are the attributes of Congress :—

(1.) To open and close its Sessions, to certify the election of its members, to approve or reject their credentials, and to receive from them the oath of affirmation prescribed by law ;

(2.) To summon the proper substitute members in the event of absolute default or of lawful inability on the part of any member to take his seat, and to order such vacancies as may occur to be filled ;

(3.) To accept by a vote of two-thirds the resignation of a member for lawful reasons, duly proved ;

(4.) To formulate its internal regulations ;

(5.) To decree, interpret, reform, and abrogate laws ;

(6.) To create and suppress offices, to award pensions, to decree honours and to grant amnesties ;

(7.) To make all necessary dispositions for the internal security and defence of the Republic ;

(8.) To scrutinize the votes for the election of President, Vice-President, and Magistrates of the Supreme Court of Justice, and to declare elected those citizens who obtain an absolute majority of votes ;

(9.) In the event of an absolute majority not being obtained, to declare elected as President, Vice-President, or Magistrates, those citizens who have obtained the greatest number of votes. If there should be equality the Assembly shall decide who are to be held elected ;

(10.) When one individual has been elected concurrently for different offices the preference shall be determined in the following order :—

(i.) President ;

- (ii.) Vice-President;
- (iii.) Deputy ;
- (iv.) Magistrate ;
- (v.) Officer of Exchequer ("Tribunal de Cuentas") ;

The election of a full member has the preference over that of a substitute ;

(11.) To appoint the Officers of Exchequer, and to accept or refuse their resignations ;

(12.) To appoint a Treasurer ("Fiscal de Hacienda") to represent the interests of the Treasury Department before the Auditor-General and before the Courts. His period of office shall be two years, and he shall hold such other attributes as may be designated by law ;

(13.) To receive the Constitutional oath from such officials as are elected or may be declared elected, and to accept or refuse their resignations ;

(14.) To designate annually three of its members to exercise, in the order of election, the Executive Power in the event of disability on the part of the President and Vice-President of the Republic, as provided by the Constitution ;

(15.) To declare, when there is ground for such, the prosecution of the President, Vice-President, Deputies, Magistrates of the Court of Justice, Secretaries of State, Diplomatic Agents, Officers of the Exchequer, and Treasurer ;

(16.) To change the residence of the Supreme Powers for grave causes ;

(17.) To grant patents and to allow temporary privileges to authors and inventors, and to those who have introduced or brought to perfection new industries of general utility ;

(18.) To decree subsidies for the promotion of new industries or for the development of those already existing ;

(19.) To grant or refuse permission to Nicaraguans to accept employment under any other nation ;

(20.) To approve or disapprove the conduct of the Executive ;

(21.) To provide for the external security and defence of the country ;

(22.) To approve, modify, or reject Treaties concluded with foreign countries ;

(23.) To regulate maritime and internal commerce ;

(24.) To approve or disapprove of the account of public expenditure ;

(25.) To fix the annual Budget ;

(26.) To levy taxes ;

(27.) To decree the alienation of national property and its application to public uses ;

- (28.) To decree loans and to regulate the payment of the national debt ;
- (29.) To establish ports, to create and abolish custom-houses ;
- (30.) To decree the weight, alloy and design of the national currency ;
- (31.) To declare war and to make peace ;
- (32.) To fix at each ordinary Session the number of the forces to be maintained on a footing ;
- (33.) To permit or refuse the transit of troops of another country through the territory of the Republic ;
- (34.) To declare in a state of siege the Republic or a part thereof, in conformity with law ;
- (35.) To confer the ranks of General of Brigade and of Division ;
- (36.) To decree the coat of arms and flag of the Republic ;
- (37.) To grant letters of naturalization to foreigners in conformity with the laws.

83. The Legislative Power may not supply or declare a civil status to individuals, or grant academical and literary degrees.

84. The faculties of the Legislative Power may not be delegated except such as are referred to as pertaining to the high officials.

TITLE IX.—Of the Formation, Sanction, and Promulgation of the Laws.

85. The initiation of laws belongs exclusively to the Deputies, the President of the Republic through the Secretaries of State, and the Supreme Courts of Justice in matters within their competency.

86. No Bill may be definitively voted except after two readings taken on two different days. Cases of urgency are however excepted, but such require that the measure be carried by a two-thirds majority.

87. Every Bill once approved by the Assembly shall be passed on to the Executive at the latest within three days from its approval in order that it may be sanctioned and promulgated as law.

88. If the President, in agreement with the Council of Ministers, is unable to sanction the Bill it shall be returned to Congress within a period of ten days, the reasons for disagreement being explained. If during the aforesaid term no objection be raised the measure shall be held to be sanctioned and shall be promulgated as law. When the Executive returns the Bill the Assembly shall again debate it, and if it be then confirmed by two-thirds of the votes, it shall be again passed to the Executive with the following formula: "Con-

firmed constitutionally," and it shall thereupon be published without delay.

89. When the Assembly vote a measure towards the termination of its Sessions, and the Executive considers it unadvisable to sanction it, immediate notice is to be given to Congress so that it may remain in Session for ten days counting from the date of such notice. If such proceeding is not observed the measures will be held to be sanctioned.

90. When a Bill is rejected it may not be again brought in until the following Legislature.

91. The sanction of the Executive is not required to the following Acts and Resolutions:

- (1.) The elections carried out or declared by Congress, or the resignations accepted or refused;
- (2.) The declarations of grounds for prosecutions;
- (3.) The Appropriation Bill;
- (4.) Decrees referring to the conduct of the Executive;
- (5.) Regulations issued for its internal regimen;
- (6.) Agreements for the transfer of its Sessions to another place temporarily, for the suspension of its Sessions, or for their prorogation.

92. When a Bill, having for its object the reform or abrogation of any of the dispositions contained in the Code of the Republic, is not initiated by the Supreme Court of Justice, it may not be discussed without hearing the opinion of that Tribunal. Such opinion shall be expressed during the same Session or in that of the following year according to the importance, urgency, or extent of the measure. This stipulation does not affect the laws which relate to political, economical, or administrative order.

TITLE X.—*Of the Executive Power.*

93. The Executive Power shall be exercised by a citizen who shall be styled President of the Republic, in his default by a Vice-President, and in default of the latter by one of those persons designated thereto according to the order of his election.

94. The President, the Vice-President, and the persons designated referred to in the preceding Article shall be citizens in exercise of their rights, laymen, more than 25 years of age, and natives of Nicaragua or of any of the other Republics of Central America.

95. The President and the Vice-President of the Republic shall be popularly and directly elected, and their election shall be declared by the Assembly in the prescribed manner.

96. The Presidential period shall be four years, and shall com-

mence on the 1st February. The citizen who has just recently exercised the Presidency may not be re-elected or elected as Vice-President for the period following.

97. Nevertheless the citizen who may have filled the office for the last six months only of the period may be elected President.

98. In the event of the permanent absence of the President of the Republic the Executive Power shall fall to the charge of the Vice-President, and, in his default, to the person designated thereto in the order of his election. He shall terminate the Presidential period.

99. In the interval which may elapse before the Presidency is assumed by the individual called thereto by the law, the Executive Power will be exercised by a Minister of Government, who shall give over possession to the new functionary if the Assembly shall not be in Session.

TITLE XI.—*Of the Duties and Attributes of the Executive Power.*

100. The President of the Republic is the Supreme Chief of the nation, and Commander-in-chief of the land and sea forces; he is charged with the general administration of the country, and has the following attributes:—

(1.) To defend the independence and honour of the nation, and the integrity of its territory;

(2.) To execute the laws and to cause them to be fulfilled, issuing with that object such Decrees and Ordinances as may be necessary without altering the spirit of the law;

(3.) To appoint the Secretaries and Under-Secretaries of State, as well as other officials of the Executive Department, in conformity with law;

(4.) To preserve the peace and internal order of the Republic, and to repel all external attack or invasion;

(5.) To watch carefully the prompt and efficacious administration of justice, to give to the officers of the Judicial Power the assistance and force necessary to carry their measures into effect, and to watch over the official conduct of the functionaries of that and the other branches of the Administration;

(6.) To remove the functionaries appointed by him;

(7.) To grant amnesties during the recess of the Assembly when public convenience requires it;

(8.) To grant pardons or commutation of sentences to offenders conformably with the law, the favourable opinion of the Supreme Court of Justice having been previously ascertained. But in no

case shall such be extended to criminals convicted of parricide or assassination, or of robbery or arson when accompanied by serious injury to the person;

(9.) To convoke the Assembly in Extraordinary Session, and to propose to it the prorogation of the same;

(10.) To present through the respective Secretaries of State, and within the first eight days of the meeting of the Assembly, a Report or Memorandum on the proceedings of all the branches of the Administration;

(11.) To conclude Treaties and any other diplomatic negotiations, submitting them to the Legislature for ratification during the following Session;

(12.) To direct foreign relations; to appoint Diplomatic and Consular Agents of the Republic; to receive the Ministers, and to admit the Consular officers of foreign countries;

(13.) To cause the revenue of the Republic to be collected, and to regulate the application of the same;

(14.) To decree, in the event of invasion or rebellion, if the State funds may be insufficient, a general contribution, voluntary or forced, the application of which he shall account for to the Assembly in its next Session;

(15.) To confer military rank from Sub-Lieutenant to Colonel;

(16.) To command the military forces; to organize and distribute them in conformity with law, and according to the requirements of the Republic;

(17.) To grant letters of marque and of reprisal;

(18.) To declare the Republic or part of it in a state of siege in the event of external aggression or internal rebellion during the recess of the Assembly, and in conformity with law;

(19.) To grant letters of naturalization;

(20.) To develop public instruction and the diffusion of popular knowledge;

(21.) To sanction the laws, to make use of the veto in the cases provided for, and to promulgate without delay those legislative enactments which do not require the sanction of the Executive;

(22.) To order to be filled the vacancies amongst the Deputies in the recess of the Legislature in conformity with law, and within, at the latest, one month of their occurrence;

(23.) To publish monthly an account of receipts and expenditure of public money;

(24.) To watch over the legal accuracy of the currency, to control the weights and measures, and to exercise the supreme direction of the police.

101. The measures of the Executive, unless issued by the proper Department, need not be complied with. The President and his

Ministers will be responsible for the dispositions they may dictate in contravention of the Constitution and the laws.

102. Whenever the President wishes to place himself at the head of the army, he will hand over charge of his functions as Supreme Chief of the nation to his Constitutional substitute, and shall remain invested only with the character of General-in-chief, with the attributes belonging to the post of Commander-in-chief.

TITLE XII.—*Of the Secretaries of State.*

103. The Secretaries of State must be Nicaraguans, native or naturalized, above 21 years of age, and laymen.

104. The following may not be Secretaries of State:—

Contractors for public works or services on account of the nation; those persons who, on account of such contracts, have claims in their own behalf; debtors to the Public Treasury; and those persons who have accounts pending in favour of the Treasury for the administration of funds.

105. The Secretaries of State may assist, without voting, at the deliberations of the Legislative Power. They must also present themselves when called upon, and reply to the interpellations made to them by any Deputy with reference to the affairs of the Administration, with the exception of such as relate to the War and Foreign Departments when reserve may be deemed necessary, unless the Assembly shall order a reply to be given.

TITLE XIII.—*Of the Judicial Power.*

106. The Judicial Power of the Republic shall be exercised by a Supreme Court of Justice, which shall reside at León, composed of five Magistrates, and by the inferior Tribunals and Courts established by law.

107. To be a Magistrate it is necessary to be above 25 years of age, a lawyer, and a layman.

108. The Magistrates of the Supreme Court of Justice shall be popularly and directly elected, in the manner determined by law.

109. Five substitute Magistrates shall also be elected to temporarily take the place of the others under similar conditions. In the event of a permanent vacancy occurring, the Executive Power shall order elections to be held so that the posts may be filled.

110. The Supreme Court of Justice shall appoint the Magistrates of the Courts of Appeal and the inferior District Courts, in conformity with the law.

111. Persons connected by ties of consanguinity within the

fourth degree, or of affinity within the second, may be neither Magistrates nor Judges in the same Tribunal. If two or more relations within the said degrees should be elected, he shall be preferred who shall have obtained the largest number of votes, and, in the event of equality, the lawyer of the longest standing. The election of the others will be proceeded with afresh.

112. The period of service of the Magistrates shall be four years, and they shall take possession of their office on the 1st February.

113. The Supreme Court of Justice shall accept or refuse the resignation of the officials of its election, and shall grant them privileges equal to those of its own members.

114. The law shall regulate the attributes of the Courts of Justice.

115. The faculty of trying cases and passing judgments belongs to the Courts and other Tribunals of Justice. No other public power may interfere with cases pending before the competent authority, or reopen cases which have been terminated.

116. The Supreme Court shall also exercise the following attributes :—

- (1.) To make regulations for its internal conduct ;
- (2.) To take cognizance of official and common offences committed by the high functionaries when Congress shall have declared the grounds for prosecution ;
- (3.) To apply the laws in the concrete cases submitted to its examination, and to negative their fulfilment when they may be contrary to the Constitution ;
- (4.) To admit the lawyers and notaries, qualified within or out of the Republic, to the exercise of their profession, to suspend them, and to withdraw from them their right to practise in conformity with the law ;
- (5.) To take cognizance of appeals admitted by the Exchequer Courts ;
- (6.) To settle the claims which may be made against the laws issued by Municipalities or Departmental Councils when they may be contrary to the Constitution or the laws ;
- (7.) To take cognizance of maritime prize cases and other matters submitted to it by law.

117. Recourse may also be had directly to the Supreme Court of Justice in the question of the constitutional validity of a law which may refer to matters that may not be brought before the Tribunals of Justice, by any person to whom the same may have been applied in a concrete case, and who may have been prejudiced in his legal rights. The law shall regulate the use of this procedure.

118. The administration of justice in the Republic shall be free.

119. The members of the Courts of Justice during their period of office may not hold any other employment.

120. The Tribunals of Justice may demand the assistance of the armed forces for the fulfilment of their decisions; if the same be denied or are not available, assistance may be required of the citizens. The functionary who unduly refuses to afford such assistance shall be held responsible.

121. No case shall be tried in more than three instances, and any one Judge may not try the same in more than one instance

122. In civil matters the points raised shall be submitted to a jury whenever the parties request the intervention of the same; the Judge shall only apply the law.

123. No person who is in the free administration of his property shall be deprived of the right to terminate his civil suits by arrangement or arbitration.

TITLE XIV.—*Of the Budget.*

124. The Budget shall be voted by Congress upon the proposals presented by the Executive and Judicial Powers in their respective branches.

125. The Budget proposal shall be presented by the respective Ministers and by the Secretary of the Supreme Court, at the latest within fifteen days of the meeting of Congress.

126. Any expenditure incurred outside the Estimates is illegal, and the President, the Minister of Finance, and the official making the payment shall be collectively responsible for the amount disbursed, without prejudice to the penalties to which they may be subject under the law.

127. The estimate of ordinary expenses of the Public Administration shall not exceed the estimated revenue calculated by the Minister of Finance of the Republic.

TITLE XV.—*Of the Public Treasury.*

128. The Public Treasury of the nation is made up of—

(1.) All its property, movable and immovable;

(2.) All its realizable credits;

(3.) All the duties, taxes, and contributions payable by the inhabitants of the Republic.

129. For the administration of public funds there shall be a General Treasury and such officials as may be necessary.

130. The Treasurer-General shall be appointed by the Executive Power. For the exercise of this office it is necessary to be above

21 years of age, to be neither creditor of nor debtor to the Public Treasury, and to hold no accounts pending with the same.

131. The Executive Power may not conclude contracts which involve national funds without previous publication of the project in the Official Gazette.

The following are excepted from the above disposition :—

Contracts with the object of providing the necessities of war, and those which from their nature cannot be concluded except with a particular individual.

132. For the control of the administration of the National Treasury there shall be an Exchequer and Audit Department ("Contaduría Mayor ó Tribunal de Cuentas"), the duties of which shall be to examine and close the accounts of those who administer the public moneys.

133. The members of this Department shall be subject to the same conditions as those of the General Treasury. Their number, organization, and attributes shall be determined by law.

TITLE XVI.—*Of the Army.*

134. The public force is established in order to secure the rights of the nation, the fulfilment of the law, and the maintenance of public order.

135. Military discipline shall be regulated by the military laws and ordinances; but no armed body shall be able to deliberate.

136. Military service is obligatory. Every Nicaraguan between 18 and 45 years of age is a soldier in the army; the law shall provide for the organization of the same, and shall lay down the rules for exemption from service.

137. There shall be no special Judicial Tribunal for the army; soldiers will be subject to the Military Courts when on active service for purely military offences.

TITLE XVII.—*Of the Departmental Government.*

138. For political administration the territory of the Republic shall be divided into two departments, the number and extent of which shall be fixed by law. In each of these there shall be such political functionaries as the law may determine.

TITLE XVIII.—*Of the Municipal Government.*

139. District local government shall be in charge of municipalities, popularly and directly elected by the inhabitants of the respective districts.

140. The number of the members of the municipalities will be determined by law upon the basis of population.

141. The municipalities shall be free to decree local contributions, and shall administer the funds of the community to the benefit of the same, rendering accounts of such administration to the Tribunal established by law. A detailed report of the receipt and expenditure of funds shall be published annually.

142. They shall likewise be free to appoint the subordinate officials.

143. The attributes of the municipalities shall be purely economical and administrative. These shall be determined by law, as also the conditions which shall attend the election of the members.

144. In the exercise of its particular functions the municipality shall be absolutely independent of the other Powers, the general laws of the country being in no case opposed thereto, and shall be responsible for the abuses which may be committed collectively or individually before the Courts of Justice.

145. The appointment of police agents for maintaining security and order shall appertain to the municipalities. The municipalities shall also have the right to legislate upon police matters, the public health and public instruction, the Constitution and the general laws not being opposed thereto.

146. No member of a municipality shall be compelled to accept any other appointment.

147. There shall be in the chief city a Departmental Council popularly and directly elected by the respective citizens.

148. In the exclusive competence of such Council shall be—

(1.) The approval, reform, or repeal of the Resolutions of the municipalities within its sphere which have the character of local laws;

(2.) The conduct, government, and direction of the particular interests of the Departments, in so far as, under the Constitution, the same do not belong to the municipalities.

(3.) The law shall regulate the organization and attributes of these Councils.

149. Local contributions shall go directly to the revenue.

TITLE XIX.—Of the Responsibility of the Public Officials.

150. Every public functionary is responsible for his actions.

151. The President of the Republic, the Deputies, Magistrates of the Courts, Secretaries and Under-Secretaries of State, Diplomatic Ministers, and Treasury and Exchequer Officers are responsible to the Assembly for offences committed by them in the exercise

of their functions. Congress after previously consulting the proceedings determined by its Rules shall declare whether there is ground for prosecution in order to place the offender at the disposal of the competent Tribunal. A similar Declaration will be necessary to proceed against specified individuals for ordinary offences.

152. Notwithstanding the approval signified by Congress of the conduct of the Executive, the President and the Secretaries of State may be impeached for official delinquencies within a period of five years from the date on which their functions terminated.

153. A sentence of responsibility for official delinquencies having been pronounced, the offender may not be granted a pardon.

154. When a public functionary against whom a prosecution has been formulated shall be acquitted, he shall return to the exercise of his functions.

TITLE XX.—*Constitutive Laws.*

155. The following are constitutive laws: That of the press, martial law, law of asylum, and the electoral law.

TITLE XXI.—*Reform of the Constitution and Constitutive Laws.*

156. The absolute reform of this Constitution may only be decreed after a period of ten years of its coming into force.

157. Every reform shall be decreed by two-thirds of the votes of the Representatives of Congress in its ordinary Sessions, and shall be sanctioned by a Constituent Assembly which shall be convoked for that purpose.

158. The Constituent Assembly shall be elected in the same manner as the Representatives of Congress, and of an equal number.

159. In no case shall the reform decreed affect the Constitutional Articles which prohibit the re-election of the President and of his substitute, and which establish the Presidential period, in such manner as to be applicable to the current or following period.

160. The ordinary Assembly, as soon as the reform of the Constitution is declared, shall close its Sessions, being thereby dissolved.

161. The present Constitution shall come into force on the 11th July, 1894.

162. The Constitution of the 19th August, 1858,* is abrogated. Given at the Sessions Hall of the National Constituent

* Vol. LXXII, page 1046.

Assembly in Managua, the 10th December, 1893, the 72nd of the Independence.

FRANCISCO MONTENEGRO, *President, Deputy for the Department of Esteli.*

[Here follow the signatures of twenty-seven Deputies.]

Secretaries:

AGUSTIN DUARTE, *Deputy for the Department of León.*

J. ALBERTO GÁMEZ, *Deputy for the Department of Rivas, District of Potosi.*

Let it be published.

National Palace, Managua, December 10, 1893.

J. SANTOS ZELAYA.

JOSÉ MADRIZ, *Minister of Foreign Relations and Public Instruction.*

JOSÉ D. GÁMEZ, *Minister of Public Works.*

LEONARDO LACAYO, *Minister of Finance.*

R. MAYORGA RIVAS, *Under-Secretary for Foreign Relations, &c.*

T. G. BONILLA, *Under-Secretary for War and Marine.*

AGREEMENT between Chile and the Argentine Republic for the Extradition of Criminals.—Signed at Santiago, March 15, 1894.

(Translation.)

THE Government of the Argentine Republic undertake to surrender to the Government of Chile all persons prosecuted, accused or condemned by their Tribunals for any of the crimes or offences specified in their (Argentine) Law for the extradition of criminals of the 25th August, 1885,* and who may have taken refuge in the Argentine territory.

The Government of Chile accept on their part the reciprocity referred to in Article 1 of the above Law, and as regards the surrender will conform to the procedure of their own laws.

The present Agreement shall remain in force from the date of its approval by the respective Governments until the Treaty of Extradition concluded by the Plenipotentiaries of each country and now under consideration of the two Congresses shall become valid, or pending the conclusion of the Treaty which in case of the

non-approval of the above (first-named) Treaty it is proposed to negotiate, or until one of the Contracting Parties shall announce his intention to terminate the effects of the present Declaration.

Done, signed and sealed by the Minister for Foreign Affairs of Chile, Don Ventura Blanco and by the Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, Don Norberto Quirno Costa, in the City of Santiago on the 15th March, 1894.

(L.S.) V. BLANCO.

(L.S.) N. QUIRNO COSTA.

The Argentine Law referred to in the foregoing Agreement is as follows :—

Law of the Argentine Republic respecting Extradition.—Buenos Ayres, August 25, 1885.

(Translation.)

WHEREAS the Senate and Chamber of Deputies of the Argentine Nation, assembled in Congress, &c., sanction the following Law :

CHAPTER I.—*Of the Cases of Extradition.*

ART. 1. The Government of the Argentine Republic may surrender to foreign Governments, on condition of reciprocity, any person pursued, accused or convicted by the Courts of the State making the demand, whenever it concerns a crime or offence indicated in the present Law and in conformity with the Rules herein established.

2. The extradition shall only be accorded when demanded in the matter of an offence of a common character, that, according to the laws of the Republic, may be punished by a penalty of not less than one year's imprisonment.

3. The extradition will not be granted :

(1.) When the person claimed may be an Argentine citizen by birth or naturalized before the commission of the offence upon which the request for extradition is founded ;

(2.) When the offences committed may be of a political nature or connected with political offences ;

(3.) When the offences may have been committed in the territory of the Republic ;

(4.) When the offences, although committed outside the Republic, may have been prosecuted and definitely tried within the

according to the laws of the demanding State,

exemption from punishment for or prosecution of the offence upon which the request for extradition is founded may have been acquired by lapse of time.

4. When the person claimed may be a slave, accused or convicted of a common offence, the extradition shall be granted upon the demanding State giving the undertaking to try such person as a free man and to always consider him as such.

5. In the cases in which, in accordance with the dispositions of this law, the Government of the Republic is not able to deliver up the offenders whose surrender is requested, the same shall be tried by the Tribunals of the country, the penalties established by law for such crimes or offences when committed within the territory of the Republic being applied.

The sentence or final decision shall be communicated to the demanding Government.

6. The extradition shall be granted always on condition that the individual extradited shall be neither prosecuted nor punished for an offence other than that upon which the same shall have been based, except it be on account of some other extraditable offence and with the express consent of the Argentine Government in accordance with that which is laid down in Articles 12 and 24.

These restrictions shall not be applicable when the accused has not returned to the Republic within the three months following his being set at liberty, whether he may have remained permanently in the State making the demand, or in any other country.

7. When the extradition is requested of a foreigner accused or convicted by the Courts of the Republic of an offence distinct from that on which the demand is founded, the surrender shall not be effected until after the termination of the trial and the execution of the punishment inflicted. Nevertheless, the temporary delivery of the foreigner may be granted with the sole object of producing him before the Courts of the demanding country, on condition that he be returned on the termination of the proceedings.

8. If, after the Argentine Government has obtained the extradition of a foreigner, he may be demanded by another State on account of some other offence, the extradition, if there should be ground for the same, shall not be granted without the previous consent of the Government of the country which has surrendered him.

9. If the extradition of a foreigner be applied for on account of crimes committed upon territory distinct from that of the Power making the demand, it shall not be granted except in cases such as those in which, under Argentine laws, the prosecution of offences committed outside its territory is permitted.

10. When two or more countries request the extradition of the same person for different crimes, it shall be granted to that one in

the territory of which the greater offence has been committed, and, if such be of equal gravity, to that one whose demand is earliest in date.

11. If the individual claimed be not a citizen of the demanding State, and if he be also claimed by the Government of the country to which he belongs on account of the same offence, the Argentine Government shall have the faculty of delivering him up to whichever it may be considered proper in view of the antecedents of the case.

CHAPTER II.—*Of the Procedure of Extradition.*

12. Every request for extradition shall be made through the diplomatic channel, accompanied by the following documents:—

(1.) The sentence of condemnation notified in accordance with the form prescribed by the legislation of the country making the demand when it relates to a person already convicted, or, when it relates to an accused person, the warrant of arrest issued by the competent Courts with the exact description of the offence upon which the requisition is made. These documents must be presented in original or in duly authenticated copies;

(2.) All the data and information necessary to establish the identity of the person claimed;

(3.) A copy of the legal dispositions applicable to the offence charged according to the legislation of the country making the demand.

13. On receipt of the demand for extradition the Minister for Foreign Affairs will examine it, if it shall be accompanied by the necessary documents, to ascertain whether the facts put forward are covered by the cases comprised in this Law, or whether any of the conditions specified in Article 3 intervene.

14. If the result of this examination should be opposed to the grant of the extradition, he will submit his opinion to the President of the Republic, in general agreement with the Ministers; if such opinion be accepted, he will transmit it officially to the Diplomatic Minister concerned, with the reasons for such determination.

15. If, on the contrary, the Minister for Foreign Affairs shall consider that the requirements of Article 12 are fulfilled, and that the case comes within the prescriptions of this Law and outside the exceptions defined by Article 3, he shall give immediate notice to the Minister of the Interior in order that the necessary steps shall be taken for the arrest of the person claimed, if it shall not already have been effected, in accordance with the dispositions of Articles 25 and 27.

16. The individual arrested shall be placed at the disposal of the

Judge of the district in which the arrest has been effected, with the documents relative to the case, within a period of thirty days. On the expiration of such period, unless the necessary documents have been produced, the person arrested shall be set at liberty by the same Judge.

17. Within twenty-four hours of the receipt of the said documents the Judge shall take a declaration of the alleged offender with the object of proving the identity of such person, who shall have the assistance of a lawyer for his defence.

18. No question shall be permitted as to the internal validity of the documents produced by the Government making the demand, the duty of the Court being limited to the following points:—

(1.) The identity of the person;

(2.) The examination of the external form of documents presented;

(3.) Whether the offence be comprised in those contained in this Law;

(4.) Whether the punishment applicable belongs to the category of the penalties which, by the laws of the country making the demand, correspond to the crime or offence in question;

(5.) Whether the case comes within the provisions of Article 3;

(6.) Whether the sentence or committal to prison, respectively, have been issued by the competent Courts of the country making the demand.

19. The individual claimed, or the lawyer for his defence, shall be allowed six days for the preparation of the defence, and a further six days shall be allowed for the consideration of the same by the Attorney-General ("Procurador Fiscal") of the district.

20. If it should be necessary to prove any of the facts, evidence in the matter shall be taken, the prescriptions of the law applicable in similar proceedings in the case of nationals being rigorously observed.

21. The evidence being produced, the Judge shall give his decision thereon within a period of ten days, and shall declare whether or not the demand for extradition should be conceded.

22. If the decision of the Tribunal shall negative the extradition on account of the inadequacy of the documents which should have accompanied the request, the decision shall be communicated by the Minister for Foreign Affairs to the Representative of the country making the demand in order that the deficiency may be made good.

The individual arrested shall be set at liberty if such further documents are not produced, within a period of one month, reckoned from the date of the diplomatic notification, in the case of a neighbouring country, and of three months in any other case.

23. If the decision of the Tribunal, authorizing or refusing the extradition, shall turn upon any of the matters specified in paragraphs (3), (4), (5), and (6) of Article 18, the right of appeal in relation thereto shall lie to the Supreme Court, which shall finally settle the point after previous consultation with the Attorney-General of the nation.

The original records of proceeding shall be passed to the Department for Foreign Affairs through the Department of Justice, and the Resolution shall be transmitted in authenticated copy to the Minister making the demand, together with the Decree authorizing the extradition, if issued.

24. If, on account of a crime or offence committed prior to that which is the subject of the extradition, but discovered subsequently, an authorization is requested for the trial of the individual about to be given up; such request, which should be accompanied by the documentary evidence, together with the observations of the individual accused, or his declaration that he has none to make, shall be submitted to the Judge of the district who may have heard the demand for extradition; his decision in the matter cannot be appealed from.

CHAPTER III.—*Miscellaneous Provisions.*

25. In case of urgency, the Courts of the Republic may order the provisional arrest of a foreigner on the direct application of the judicial authorities of a country bound to the Republic by a Treaty of Extradition whenever the existence of a sentence of condemnation or a warrant for committal to prison is established, and the nature of the offence to be prosecuted is clearly set forth.

The request may be made through the post or by telegraph, but at the same time notice shall be given through the diplomatic channel to the Minister for Foreign Affairs.

The Tribunals which may have carried the arrest into effect shall give immediate notice of the same through the Ministry of Justice to the Ministry for Foreign Affairs.

26. The foreigner arrested under the provisions of the foregoing Article shall be immediately set at liberty if so ordered by the Executive Power, or if within the term of one month as regards a neighbouring country, or two months as regards any other, the Argentine Government shall not have received the diplomatic requisition for extradition in due form.

27. The provisional arrest of a foreigner may be, moreover, ordered by the Executive Power on the request of a Diplomatic Minister as soon as the necessary documents to be presented with

the request for extradition shall have arrived; in this case, the dispositions of the preceding Articles shall be applicable.

28. The Argentine Government may authorize the transit through the territory of the Republic of an extradited individual who is not an Argentine citizen without any other formality than the presentation through the diplomatic channel of the sentence of condemnation or the warrant for committal to prison corresponding thereto, when such shall not relate to political offences or offences connected thereto, and when the offence may be one subject to extradition according to this law.

29. The papers and other objects which may have been seized in the possession of the alleged offender, and which may serve for the elucidation of the matter that is the subject of the prosecution, shall be handed over to the Government making the demand for extradition, if so required, on the condition that they shall be returned upon the termination of the trial if it should be shown that third parties have rights to the same.

30. The letters of request issued by a competent foreign authority in a criminal matter, not political, shall be forwarded through the diplomatic channel, and shall be transmitted to the competent judicial authorities.

31. The summons in a criminal matter, not political, of witnesses domiciled or resident in the Republic shall neither be received nor notified except on the condition that the said witnesses shall not be prosecuted for offences committed nor imprisoned under sentences passed anterior to their departure from the country, nor as accomplices in the matter in which they are to appear as witnesses; it being fully understood that the appearance of such witnesses is purely voluntary, and at the expense of the Government making the request.

32. The procedure established in the present law shall be applicable to the cases governed by Treaties of Extradition in all such matters as may not be opposed to the stipulations of the same.

33. The Executive Power shall denounce upon the termination of the period of their duration all Treaties of Extradition which cannot be reconciled to the prescriptions of this Law.

34. Let it be communicated to the Executive.

Given in the Hall of Sessions of the Argentine Congress at Buenos Ayres, the 20th day of August, 1885.

FRANCISCO B. MADERO.

ADOLFO J. LABOUGLE, *Secretary of the Senate.*

RAFAEL LUIS DE LOS LLANOS.

JUAN OBANDO, *Secretary, ad interim, of the Chamber of Deputies.*

Let it be fulfilled, communicated, published, and inserted in the Official Gazette.

Buenos Ayres, August 25, 1885.

BOCA.

FRANCISCO J. ORTIZ.

*CUSTOMS REGULATIONS for the Italian Colony of
Erythræa.—December 1893.**

(Translation.)

PART I.—General Rules.

ART. 1. The Customs line extends from the mouth of the Lebka to Ras Corali along the sea-coast, not only on the continent, but also along the Islands of Taulud Massowah and their respective shores.

2. Goods will not be allowed to cross the Customs boundary during the night.

Vessels will be allowed to anchor in the harbour of Massowah at all hours.

The Receiver of Customs will allow steamers only to load and unload during the night-time also.

Goods will not be allowed to cross the Customs line of Massowah (quay) without a special permit from the Custom-house, and not until they have been presented for the necessary Customs formalities and for payment of duty.

The above-mentioned permit will only be granted for goods which have already paid duty or for those which, coming from the interior, reach any spot of the Customs line, to be carried straight by sea to Massowah.

3. The loading, unloading, and transhipment of goods is subject to the permit and regulations fixed by the Custom-house. The transit of goods by sea from the continent to the Island of Massowah and Taulud, or from one to the other of these islands, is likewise subject to Custom-house control.

Notice is to be given to the Customs of all such movements excepting when the goods are so limited in quantity that their carriage does not constitute in itself a commercial operation.

4. Every operation is to be preceded by a declaration drawn up in Italian, and made out by the owner of the merchandize or by his representative.

Travellers only will enjoy the right of making a verbal declaration.

* Put into force by Royal Decree dated December 10, 1893.

The Customs authorities can extend this right to importers of small quantities of goods, especially when the merchandize is of a perishable nature.

5. Subsequent to the said declaration, the goods are examined before the Customs agents and the parties concerned.

Packages containing national or nationalized goods addressed to Public Departments may be, by orders from the Governor, exempted from the said examination and from all Customs formalities.

In such cases, the nationality of the goods will be held as proved by the simple declaration of the Head of the Department to whom the goods are addressed.

6. The Customs dues are regulated by special Tariffs, and other dues are fixed by these Regulations. Duty is to be paid as soon as the Customs examination takes place, together with all the necessary expenses.

7. The Customs duty shall be charged without any regard to the state of the merchandize, and it will not be allowed to be taken out either in full or in part by reason of deterioration, however it may have been caused. Owners of deteriorating goods have the right, however, to give orders for the destruction of the merchandize at their own expense under the conditions imposed by the Custom-house authorities.

8. National or nationalized goods, according to the effect of Customs laws, including those subject to drawback, are exempted from import duty in the Colony if bearing the Italian Customs seal, and accompanied by the export bill.

A special list annexed to the Tariffs will indicate the goods for which the seal is not compulsory.

The Receiver of Customs may, in exceptional cases, with the sanction of the Head of the Financial Department attached to the Government of the Colony, admit free of duty goods which are clearly national, although not furnished with the above-mentioned mark.

All products of the Colony—the islands excepted—accompanied by a certificate of origin showing the local production, to be issued by the competent authorities, as well as all goods and naval stores shipped on steamers—such as ship's provisions—are exempted from duty.

No exemption is granted in respect of live animals unless exported as ship's provisions.

9. Packages containing goods not liable to duty and crossing the Customs line are subject to payment of the statistical due at the rate of 25 centimes per package.

For general merchandize and for packages containing over 1 quintal, the statistical due is charged at the rate of 25 centimes per quintal.

The said dues will not be charged on packages containing national or nationalized goods addressed to public Departments and on passenger's luggage. This exemption is also granted to lime and building stones, coal, animal bones, and generally to other goods the value of which does not exceed 5 lire per quintal.

10. Goods left in the Custom-house stores for more than five days will pay a storage fee of 2 centimes per package per diem. The period of storage in connection with the above fee will be charged from the day of arrival of the goods in Massowah to the day of clearance.

Packages exceeding 1 quintal in weight are charged as one or more quintals at the rate of one package for each quintal or fraction thereof.

For general merchandize, the duty will be 2 centimes for each quintal or fraction thereof.

For goods in bags addressed to different destinations and forming part of one shipment, the storage fee will be charged from the day of separation of the goods according to their various consignees if such separation is not effected within the five days allowed in the first paragraph of this Article.

In such cases, the Custom-house fixes the day on which the said separation will be considered effected.

11. For each bill issued by the Custom-house a fee of 5 centimes will be charged, provided the sum payable shall not exceed 10 lire. and of 25 centimes if the amount is higher.

12. All Customs dues will be paid on production of a written declaration, or on the issue of a receipt after a verbal one.

The Customs, after having received the amount stated on the bill, will give a receipt stamped on the bill itself, which is returned to the owner as a proof of payment.

13. Transit of goods in the Customs stores is to be made by a body of men organized under special regulations approved by the Governor of the Colony.

Charges for portorage will be collected according to the regulations in force for the collection of Customs dues.

14. Goods stored in the Customs for any destination when not subject to seizure will be sufficient guarantee for the payment of fees, of fines and any other expenses payable to the Customs in preference to any other creditors.

Goods deposited for shipment, though not subject to seizure, will be a guarantee, in preference to any other creditors, for the payment of fines and legal expenses incurred by the owners in respect of smuggled goods or other liabilities for which they may be responsible pursuant to law.

15. When in checking the bills an error in taxation is found to

the detriment of the Administration, the parties liable must pay the difference; if on the other hand an error is found to the detriment of the parties concerned, the difference is refunded to them.

The Customs authorities should make a claim upon the owners for the under-payment or request them to withdraw the sum over paid, as the case may be.

If a fortnight after the advice is given the supplementary dues have not been paid, the regulations of Article 16 will be put in force.

If, two years after the date of issue of the order of reimbursement, the owner has not withdrawn the sum due to him, the right of reimbursement lapses.

No claim respecting qualification and weight is allowed on goods already transported from the Customs warehouses.

The owner has also the right to ask for the reimbursement of the difference arising from errors in calculating the account or from the application of fees different to those due on goods declared on examination, provided that his application takes place within two years of the date of declaration.

No right exists after two years have elapsed.

16. The fees due and unpaid either in full or in part are enforced by an injunction. The owners can oppose the execution of such an act within fifteen days of its notification.

Such opposition is not valid if not preceded by the deposit of the amount of the sum demanded.

The right of the reimbursement expires two years after the declaration.

The authorities, however, reserve the right for one year to claim damages from the responsible official for loss incurred by non-payment when for two years the owner has been applied to in vain, or when the official who ought to have taken proceedings against the debtors has allowed the claim to lapse.

Such special treatment will not hold good in cases of fraud.

The allowance of time for a civil action terminates when the penal action takes place, in which case the right for civil action will be in force for two years from the date of the judgment of the penal authorities and Courts.

17. Temporary importation and re-exportation of goods are allowed, if covered by the equivalent of duty due, designated by the Government of the Colony and according to the regulations laid down.

The establishment of Customs warehouses and free wharves may be authorized by Royal Decree, the promulgation of which may be intrusted either in whole or in part to the Government of the Colony.

18. The failure to observe Customs Regulations in consequence of *force majeure* does not entail penal consequences.

The onus of proof of such accidents lies on the captains, pilots, and others interested in the ship, according to the forms prescribed by the law.

PART II.—*Of Manifests.*

19. Within 24 hours of admission of a ship to pratique the captain must furnish, in duplicate, the manifest of the cargo.

20. The manifest must contain the name and tonnage of the steamer, the port of departure, the number of the crew, and a general summary of the various kinds of cargo, the quantity and quality of packages with their respective marks and numbers.

The quantity of packages, besides being written in figures, must be written at length (Article 34).

The manifest is to be divided into two parts, one indicating foreign goods and the other national or nationalized ones (Article 34).

It is to be made without any erasure or abbreviations in Italian, and to be signed by the captain.

If any of the said regulations are not complied with, the manifest is returned and considered as not having been presented.

21. No ship can leave the harbour without first producing to the Customs authorities the bill of clearance showing the number of packages left on board, and of any shipped from Massowah, indicating also the contents of the latter.

No ship shall be allowed to leave the harbour without the necessary bill of clearance issued by the Custom-house. The special permit referred to in Article 2 issued by the Customs to ships that take cargo from Massowah to any other point of the littoral between Ras Corali and Lebka takes the place of a manifest and a bill of clearance.

PART III.—*Goods crossing the Customs Line.*

22. The declaration prescribed by Article 4 must be presented for all goods whether national, colonial or foreign, subject or not to duty, and whether they come from land or sea, provided they cross the Customs line.

The written declaration must contain :—

(a.) The name and surname of the consignee and his representative ;

(b.) The port of origin of the goods ;

(c.) The quantity and the kind of packages with their respective marks and numbers ;

(d.) Description of goods of each package showing their respective quality and quantity. The quantity should be written at full length as well as in figures.

The declaration is returned when it contains any alterations, or if it does not fulfil any one of the conditions required by this Article.

23. If within two months the requisite declaration is not presented, or is not followed by the visit, the goods are held to be abandoned, and are retained at the disposition of the Administration for the satisfaction of Customs' claims.

After one more month the Customs shall proceed to sell the goods as regulated by a special bye-law. Such period may be lessened when the goods are of a dangerous or perishable nature, or for want of room in the Customs' stores, or because of the expense of preserving them. Such period may on the other hand be prolonged under special circumstances.

24. The opening of packages in the absence of the owners must take place before the judicial authorities.

The amount realized after deducting all dues, fines and other expenses, is passed on to the owners of the goods, or deposited in the Colonial Treasury at the disposition of those having a right thereto. When the declaration has been followed by the visit and the Customs have been unable to recover what is due to them, the goods will be retained at the disposal of the Administration.

Goods cannot be sold in any case when the amount is less than the sum due to the Customs.

Until the sale is effected the owners or the consignees may withdraw the goods after settlement of dues, fines and other expenses.

25. The Governor of the Colony may, after referring to the Royal Government, prohibit the importation and the transit of any kind of merchandize, and may also order its destruction when it is deemed necessary for the security of the Colony for reasons of public health, or in the interests of agriculture.

26. The Governor of the Colony may also, after referring to the Royal Government, forbid the exportation of any merchandize when public interests necessitate it.

27. Goods that reach Massowah by sea may be re-exported free of duty provided their destination is beyond the ports of the Colony, and a written declaration to that effect is produced before examination.

Goods carried on account of the captain or of the crew of a vessel and declared as ship's stores may not be re-exported free of duty unless they remain in the same ship.

PART IV.—*Smuggling in general.*

28. Any person infringing any of the dispositions of this Regulation will be liable to a fine of not less than 5 lire, and not more than 100 lire.

The fine payable for the discharge of the shipment of goods along the Customs' lines without permission from the Custom-house will not be less than 50 lire. In cases of a second offence goods shall be considered smuggled with the exception of the following articles if the goods are foreign.

29. Foreign goods are considered smuggled—

(a.) If shipped or discharged in harbour, or along the bays, or in any way crossing the Customs' boundary without permission from the Custom-house;

(b.) If found in boats along the bays discharging or trying to discharge the cargo without giving satisfactory reasons for such stopping;

(c.) If parcels are found about persons, in luggage, in boats, or in cabs, hidden in such a way as to lead to the presumption of an intention to evade the Customs' examination;

(d.) If taken out from the Custom-house before the permit is given;

(e.) If admitted to temporary importation and not placed on board the steamer after the refund of the surety.

30. The smuggling of merchandize is punishable by a fine of a sum not less than twice nor more than ten times the equivalent of the Customs dues, in addition to the fine imposed under Article 28.

Goods smuggled or which are intended to be smuggled will be seized.

Any article used in the smuggling of merchandize will also be seized. The amount recovered from the sale of seized goods will go towards the payment of the fines referred to in the first paragraph of this Article.

31. Any of the officials of the State or of the Colony or any of the police who have taken part in smuggling shall in all cases be punished with the maximum penalty under Article 30, and the Collector of Customs is bound to report such cases immediately to the Government of the Colony.

If any of the Custom-house officials or other Government employes are implicated, a fine of triple the amount of the maximum penalty mentioned above will be imposed in addition to immediate dismissal.

32. Legal proceedings against smuggling are limited to five years.

33. The agents, if possible, should deliver to the Custom-house all persons detected in smuggling, the goods smuggled, and the cases containing them.

If this cannot be done the persons and the smuggled goods should be handed over to the Commander of the nearest district or the Head of the neighbouring village.

Owners may demand the restitution of the goods by depositing the amount equivalent to the value of the merchandize. Goods will not be delivered if it is deemed necessary to retain them for the judicial proceedings.

If the merchandize is liable to deteriorate or is difficult or expensive to keep, and if the owner does not claim it, the Customs may sell it by auction by permission of the judicial authorities.

34. As soon as the goods and cases are received the receiver of the Custom-house must at once draw up the *procès-verbal*. If the goods, cases, and persons implicated have been taken before a Commander of a district or the Head of a village, the *procès-verbal* is to be drawn up by the senior agent of the police who took part in capturing the smugglers.

The following is to appear in the *procès-verbal* :—

Date; name and surname, and description of the persons who captured the smugglers, of the smugglers themselves, and of any witnesses there may have been; the fact that constitutes the smuggling, with all particulars of place and time; the quality, quantity, and value of the merchandize; the Articles of the Regulation concerning the smuggling; and the declaration of the smugglers.

The *procès-verbal*, after being read out in the presence of the smugglers and those who captured them, as also of those persons who have drawn it up, is to be signed by all. If any of them are unable to sign, or if the smugglers refuse to do so, the fact is to be mentioned in the document.

Smugglers have a right to a copy of the *procès-verbal*. The statements contained in the *procès-verbal* hold good until proof to the contrary is produced.

35. The fines and other penalties established by this regulation in respect of smugglers and smuggling are applied by the judicial authorities according to their competency, as laid down in the last paragraph of Article 71 of the Code of Civil Procedure with reference to cases connected with direct and indirect taxation.

36. When the ordinary Judge has given his decision, and before it is put into execution, the offender, by means of an application signed by himself (which will be considered as irrevocable) may demand that the penalty, within the limits of the maximum and minimum, shall be fixed by the Customs Administration.

If the maximum is not greater than 50 lire the Customs receiver may settle the question. If it is greater the decision will rest with the Head of the Financial Department after he has heard the opinion of the Customs receiver.

37. After deducting the expenses half of the sum paid by the smugglers will go towards the revenue of the Colony, and half to those who captured them.

When smugglers are discovered by persons not belonging to the Custom-house Administration, such persons have a right to half of the amount due to the discoverers simply for the information, apart from what may come to them as having participated in the capture.

PART V.—*Personal.*

38. The service of the Custom-house and of the captain of the port, with the exception of the sanitary marine service, is under the control of the Office of Finance. The service of the sanitary marine is subordinate to the Ministry of the Interior.

The services are rendered by officers of the Custom-house, by the Colonial Commissioners, by native officials, by the guards attached to the Finance Office, by "Ascari" in reserve, by a steersman and native sailors.

39. The Custom-house officer who acts as receiver is the Head of the Customs, and exercises the functions of the captain of the port.

The officer has the direction of both services, and is responsible for their good administration both as regards service in the interior and the superintendence of the Custom-house and harbour police.

As Head of the staff he superintends the conduct of the officials, and may in certain cases admonish them and stop their wages for a period not exceeding ten days. The Chief has also the power of granting leave for not over three days to both employees and members of the active force. Notice should, however, be given to the Finance Office both of punishment inflicted and leave of absence granted.

In the matter of punishments exceeding the above-mentioned period, and as regards grants of leave for over three days, the Head is to refer to the Government of the Colony. The Collector of Customs may not punish the inspecting officer nor the Commander of the Brigade of the Royal Guards of the Finance Department, but must limit himself to reporting to the Government of the Colony when these latter have failed to do their duty.

The Collector may temporarily refuse the entry to the Custom-house to commercial agents, their representatives, or forwarding

agents who are disrespectful to the Custom-house officials. The Collector is personally responsible for the sums received in payment of duty and for the proper keeping of the accounts. He may appoint any clerk in whom he has confidence as cashier.

The Collector is also to take charge of seized goods and to draw up the statements respecting them.

40. The Customs officer who acts as inspector dispatches all business connected with moving, verifying, and classifying the merchandize which is presented and declared, and all matters respecting the payment of the fees due.

This officer will check the receiver's accounts and act for him in his absence. When he is acting as receiver, the Governor of the Colony appoints another official to check the accounts.

41. Native officials may assist in any part of the internal administration, as the receiver thinks fit. The native storekeeper performs all the business connected with depositing goods in the Custom-house.

42. The Brigade of the Royal Guards of the Finance Department are under the control of the Collector of Customs, who has the right to employ them as he may think fit either as inspectors or as clerks. The orders are issued by the Head of the Brigade, who is, however, to report to the receiver matters that may interest him.

43. The port inspector is specially charged with the police of the harbour; to superintend the landing and departure of passengers and the loading and unloading of merchandize and of ballast;

To keep the quays and banks as clear of packages as possible;

To see that vessels are properly moored and will not cause damage to the harbour works;

To keep the Government buoys in good order;

To maintain discipline amongst the sailors;

To inspect passenger steamers;

To see that the rules concerning the sanitary marine are carried out properly;

To assist with the sailors placed at his disposal in salvage operations in the harbour and neighbourhood. He is the pilot of the port. The port inspector in the exercise of his duty is to be regarded as an officer of police.

44. Sailors are specially charged with superintendence of the Customs at sea and the police duties of the harbour. They are in charge of the buoys and life-boats under superintendence of the port inspector.

Sailors in the exercise of their duty have, as far as the natives are concerned, the character of Government police.

PART VI.—*Miscellaneous Regulations.*

45. By limit dues are meant import and export duties and extra charges.

46. The Government of the Colony will specify by special regulations the warehouses of the Custom-house.

47. The Receiver is to transmit to the Office of Finance, a month after the expiration of each financial year, a report on the subject of his duties, with any improvements he can suggest. He will also give his opinion as to the causes of increase or diminution in the entries, comparing them with those of the previous year.

48. Personal examination of Europeans may be sanctioned only by the Collector of Customs, when there is cause for suspicion. It must be carried out by the guards.

Personal examination of ladies must be performed by a woman.

49. While the system of duty continues to be *ad valorem* the graduated scale of fees on merchandize, whether national or foreign, imported or exported by sea remains in force. No charge is made for the Customs seal (see Article 9) on goods which are duty free.

The rules now in force will in the same way be continued for the assessment of the value of goods and for the payment of the customs duty on the same.

By order of the King.

BRIN.

DÉCLARATION modifiant, en ce qui concerne la Norvège, la Déclaration échangée le 8 Février, 1884, entre la Belgique et le Royaume de Suède et de Norvège pour la Reconnaissance réciproque des Certificats de Jaugeage des Navires de Mer.— Signée à Bruxelles, le 18 Mai, 1894.

LE Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté le Roi de Suède et de Norvège, animés du désir de faciliter autant que possible le commerce et la navigation entre la Belgique et la Norvège, ont résolu de modifier, par le présent Arrangement, les stipulations contenues dans la Déclaration du 8 Février, 1884, pour ce qui concerne la reconnaissance mutuelle, en Belgique et en Norvège, des certificats de jaugeage des navires de mer, et, à cet effet, ont autorisé les Soussignés à déclarer ce qui suit :—

ART. I. Les navires à voiles Belges jaugés d'après la méthode usée dans la Déclaration du 8 Février, 1884, susmentionnée seront

admis dans les ports Norvégiens, de même que les navires à voiles Norvégiens jaugés d'après la même méthode, seront admis dans les ports Belges sans être assujettis à aucune opération nouvelle de jaugeage, le tonnage net inscrit dans leur certificat de jaugeage étant considéré comme équivalent au tonnage net des navires nationaux.

II. La même dispense de jaugeage existera pour les navires à vapeur, avec cette réserve que la Norvège appliquera aux navires Belges et que la Belgique appliquera aux navires Norvégiens, pour le calcul du tonnage net, les règles de déduction qui, dans chaque pays, sont en vigueur pour les navires nationaux. Il est entendu que l'application de ces règles de déduction se fera, autant que possible, à l'aide des indications contenues dans les certificats de jaugeage, et qu'aucun espace ne sera soumis à un nouveau mesurage si sa capacité est indiquée dans les dits certificats. Dans le cas où les certificats délivrés pour des navires à vapeur Norvégiens indiqueraient, à titre de renseignement officiel, le tonnage net d'après la règle des soutes fixes qui était précédemment en vigueur, conformément à la Déclaration du 8 Février, 1884, susvisée, ce tonnage sera admis, sans aucun calcul ni déduction, comme représentant le tonnage légal Belge ; il en sera de même dans les ports Norvégiens pour les navires Belges qui seront pourvus d'un certificat de jaugeage énonçant le tonnage net d'après les règles fixées par le Décret Royal du 14 Septembre, 1893.

III. Les certificats de jaugeage auxquels s'applique la présente Déclaration sont, pour les navires Belges, ceux qui ont été délivrés par les autorités compétentes à partir du 1^{er} Janvier, 1884, et, pour les navires Norvégiens, ceux qui ont été délivrés à partir du 1^{er} Octobre, 1893. Les navires Norvégiens munis d'un certificat de jaugeage délivré à partir du 1^{er} Avril, 1876, et avant la date du 1^{er} Octobre, 1893, préindiquée, continueront à être admis dans les ports Belges dans les conditions fixées par la Déclaration du 8 Février, 1884.

Cet Arrangement entrera en vigueur à partir de la date de la signature de la présente Déclaration.

Fait à Bruxelles, en double expédition, le 18 Mai, 1894.

(L.S.) MERODE WESTERLOO.

(L.S.) BURENSTAM.

DECLARATION between Italy and France explanatory of the Boundary Convention of March 7, 1861, in relation to Frontier Traffic.—Signed at Rome, February 27, 1894.

DÉSIRANT prévenir les malentendus et les contestations auxquels donnent lieu fréquemment l'interprétation et l'application de certaines clauses de la Convention signée à Turin le 7 Mars, 1861,* pour la détermination des limites entre le Royaume de Sardaigne et l'Empire Français, en ce qui concerne l'admission en franchise des taxes Italiennes des produits des troupeaux du Mont Cenis, les Soussignés, dûment autorisés à cet effet, sont convenus et conviennent des dispositions suivantes :—

Sur l'Article IX de la Convention.

Les propriétaires, locataires, ou fermiers des pâturages du Mont Cenis qui ont l'intention de profiter de la franchise seront tenus de déclarer aux Agents Italiens, qui seront délégués à cet effet, le nombre et l'espèce des têtes de bétail qu'ils font pâturer sur leurs terres, en présentant :

(a.) Pour les animaux qui du versant de la Savoie montent pâturer sur les hauteurs, les passavants délivrés par la douane Française ;

(b.) Pour les animaux conduits d'Italie sur les mêmes hauteurs, les bulletins d'exportations temporaires délivrées par la douane Italienne.

La déclaration mentionnée au premier paragraphe de l'Article IX de la Convention, en ce qui concerne le beurre et le fromage, ne devra pas être présentée à la douane Italienne plus tard que le 31 Août de chaque année.

En même temps que la déclaration, seront présentés les documents susmentionnés des douanes Italienne et Française.

Pour établir définitivement la quantité des produits des troupeaux que chaque propriétaire aura le droit d'importer en franchise en Italie, la douane Italienne, après le retour des dits troupeaux en France, pourra s'assurer près la douane Française des réductions qui auront eu lieu dans l'effectif des troupeaux durant la saison, et du jour où les animaux venus de la Savoie auront laissé le pâturage.

Les quantités des produits à assigner à chaque propriétaire seront déterminées d'après les dates ainsi recueillies et fixées dans les proportions suivantes :—

	Kilog.
(a.) Pour chaque vache et par jour—	
Fromage "Persillé" du Mont Cenis	0·710
Ou de "Grujère"	0·650
Et beurre	0·072
(b.) Pour chaque chèvre et par jour—	
Fromage	0·051
Et beurre	0·019
(c.) Pour chaque brebis et par jour—	
Fromage	0·048

Ces chiffres ne pourront être modifiés qu'à la suite d'une expertise contradictoire, faite par un fonctionnaire de la douane Italienne et par un fonctionnaire de la douane Française de même grade, constatant que les dits chiffres sont notoirement inférieurs ou supérieurs à la réalité.

Les quantités de fromage susindiquées représentent le maximum à admettre en exemption de droits pour chaque vache, pour chaque chèvre, et pour chaque brebis, et par jour, alors même que pour les vaches et les chèvres le beurre n'est pas importé en Italie.

Afin d'éviter les contestations que pourrait soulever la détermination du nombre des têtes de bétail qui devra servir de base pour établir les quantités des produits des troupeaux à importer en Italie en franchise de taxes, les Gouvernements des deux États enverront des instructions aux douanes respectives, pour que sur les passavants et sur les bulletins d'exportations temporaires le nombre des vaches, chèvres, ou brebis à lait soit indiqué exactement et séparément de celui des jeunes animaux (génisses, agnelles, chevrettes, castrats, &c.) ou des autres animaux qui ne produiraient pas de lait durant la saison de pâturage.

Sur l'Article X de la Convention.

Étant reconnu qu'une partie des fromages fabriqués sur le Mont Cenis seraient encore imparfaits et ne se trouverait pas en état d'être mis dans le commerce à l'échéance de l'année solaire, il reste convenu que le terme pour l'importation en franchise du fromage et du beurre est et demeure fixé à un an, à partir de la date de la déclaration à la douane, dont il est question à l'Article IX de la Convention. Si la déclaration n'est pas présentée avant l'expiration de la journée du 31 Août, le terme utile pour l'importation en franchise du beurre et du fromage expirera le 31 Août de l'année suivante.

Fait, en double original, à Rome, le 27 Février, 1894.

(L.S.) A. BLANC

(L.S.) BILLOT.

JAPANESE Patents Regulations.—December 18, 1888.

(Translation.)

WE hereby give our sanction to the present Ordinance relating to the Patents Regulations, and order the same to be duly promulgated.

Dated December 18, 1888.

(His Imperial Majesty's Sign Manual)

(Privy Seal.)

COUNT KURODA KIYOTAKA, *Minister President of State.*

COUNT INOUE KAORU, *Minister of State for Agriculture and Commerce.*

Imperial Ordinance No. 84.—Patents Regulations.

ART. 1. Any person who has invented any useful technical process, machinery, manufactured or other article, or any improvement on any useful technical process, machinery, manufactured or other article, may secure a patent for the same under those Regulations.

2. For inventions specified below patents will not be granted:—

- (1.) Articles of food or drink, or of fashion ;
- (2.) Medicines or methods of compounding the same ;
- (3.) Articles that have been in public use prior to the application for a patent.

This provision shall not apply in the case of articles that have been in public use for purposes of trial during a period of not more than two years.

3. Persons desirous of obtaining patents shall apply to the Minister of State for Agriculture and Commerce, transmitting also a written detailed statement with diagrams of each invention.

Such application, statement, and diagrams shall be submitted to the Patents Bureau.

4. Every application for a patent shall be placed by the Director of the Patents Bureau before the Judges of the Bureau for their examination. If such inspection is satisfactory, the invention shall be duly registered after the approval of the Minister of State for Agriculture and Commerce has been obtained, and a patent certificate shall be issued in due form.

5. The patent certificate shall be signed by the Minister of State for Agriculture and Commerce and the Director of the Patents Bureau, and handed to the applicant together with his detailed statement and diagrams.

6. Patents will be issued for five, ten, and fifteen years, computed from the date of registration.

7. In the case of an invention the unrestricted use of which will be for the public interest, or which is of military importance, or should be maintained in secrecy, the Minister of State for Agriculture and Commerce may affix conditions to or decline to grant a patent, or may affix conditions to or withdraw a patent already granted.

In such an event the Minister of State for Agriculture and Commerce may award such compensation as he shall deem suitable to an inventor or patentee.

8. Any person who has invented an improvement upon an already existing patent and desires to secure a patent for such improvement should first consult the original patentee, and send in his application after having obtained the consent of the latter to use the original invention together with his own. In the event of such consent being withheld, the inventor of the improvement may still send in his application, stating the circumstances, and the Minister may grant him the required patent, but shall fix an amount of compensation to be given by him to the original patentee.

9. When a patentee, or an inventor about to apply for a patent dies, his rights and privileges shall go to his heir.

10. Patents granted to the following classes of inventions shall be held invalid, and none shall be issued in future :—

- (1.) Such as have proved neither new nor useful ;
- (2.) Such as are found to come under Article 2 ;
- (3.) Inventions in the case of which an important fact has been wilfully omitted from the detailed statement ;
- (4.) Inventions in the case of which some fact not necessary in the working of the same has been wilfully inserted in the detailed statement.

11. When the Judges of the Bureau decide that a patent should not be issued, the Director of the Bureau shall transmit a written report of their examination to the applicant.

12. Any person who objects to the above decision may send in an application for a re-examination, stating his grounds for the same. In such an event the Judges will re-examine the invention, and should their decision be again adverse, a written statement to that effect will be transmitted to the applicant.

13. When it appears that an invention for which a patent is applied coincides with another for which a patent has been requested or granted, the parties concerned shall be informed of the points of resemblance and required to send in to the Bureau full particulars of their inventions. The Judges will then decide the question of priority, and a statement of their decision shall be sent to the parties concerned.

14. When under the foregoing Article an existing patent is

withdrawn and another issued, the term of the latter shall be computed from the date of registration of the former.

15. Any one dissatisfied with decisions under Articles 12 and 13 may claim the arbitration of the Patents Bureau.

16. A patentee who finds that his patent rights conflict with those of other patentees may claim the arbitration of the Bureau to secure his rights.

17. Any person who finds that an invention for which a patent has been granted falls under Article 10 may claim the arbitration of the Bureau to decide the question of validity.

18. When arbitration is required, the Director of the Bureau shall consider the matter with the assistance of not less than two arbitrators.

19. No objection can be raised against the arbitration of the Patents Bureau, nor can there be any appeal to a Law Court.

20. When persons affected by the judgment provided by Article 13, or by the arbitration of the Patents Bureau, request that evidence should be heard, the Director of the Bureau may require a Peace Court to collect the same.

21. Costs incurred under Articles 15 to 17 shall be borne in accordance with the practice in civil suits.

22. A patent may be sold or transferred or made property in common, with or without conditions, or may be hypothecated; but an application to have such sale, transfer, or hypothecation registered must be sent to the Patents Bureau, and no sale, transfer, or hypothecation shall be held as legally valid towards a third party unless registered.

23. No official of the Patents Bureau shall apply for or become the owner of a patent while employed in the Bureau.

An official falling heir to a patent shall not come under the above provision.

24. Patents shall become invalid in the following cases :—

(1.) When the invention has, without any proper reason, not been practically applied in public for three years after the date of the certificate;

(2.) When practical use of the invention has, without proper reason, been suspended for a period of three years;

(3.) When a patentee has imported and sold patented articles from abroad, or has ignored the fact that articles liable to infringe on his rights have been imported and sold.

25. A patentee who has lost his certificate or had it defaced or mutilated may apply for a new one, stating at the same time the circumstances of the case.

26. When a patentee discovers that his detailed statement or diagrams were imperfect, he may apply for a revised patent

certificate to secure the efficacy of his patent, sending in at the same time a revised detailed statement and diagrams.

This provision shall not apply where important changes in an invention are involved.

27. When a patentee discovers that he has inserted as his own in his detailed statement something that was not his, he may apply to have the same corrected.

28. Applications under the two foregoing Articles shall be considered by the Judges of the Bureau. Any persons dissatisfied with the decision of the Judges in such a case may apply for re-examination.

29. Patentees shall affix to their articles such patent marks as are fixed by the Minister of State for Agriculture and Commerce.

30.* The following fees shall be paid by persons making applications with reference to patents :—

(1.) For application to secure a patent, 5 yen for each invention ;

(2.) For registration of sale, transfer, or joint ownership of a patent, 10 yen for each invention ;

(3.) For reissue of a patent certificate, 1 yen for each certificate ;

(4.) For revision of a patent certificate or for leave to disclaim, 5 yen for each invention ;

(5.) For a claim for arbitration, 7 yen for each case ;

(6.) For registration of the hypothecation of a patent, 5 yen.

31.* The following fees shall be paid by persons receiving patent certificates :—

For registration in the first instance :

(1.) A patent for five years, 20 yen ;

(2.) A patent for ten years, 30 yen ;

(3.) A patent for fifteen years, 40 yen.

For registration of revised patent certificates :

(1.) A patent for five years, 10 yen ;

(2.) A patent for ten years, 15 yen ;

(3.) A patent for fifteen years, 20 yen.

32. The Patents Bureau shall print and sell at reasonable prices to the public, detailed statements of patented inventions and official reports regarding the same.

33. Any one may, on payment of a suitable fee, receive permission from the Bureau to copy documents or prepare diagrams relating to patents.

34. Any person infringing the patent of another shall be held liable for the payment of an indemnity to such other patentee.

* The fees here given are not in all cases the same as those which were fixed in the original text of the Regulations, but are in accordance with the alterations introduced by the Law of Registration Fees (Article 12) of March 1896.

35. Three years shall be regarded as the full term of liability for indemnity.

36. Any one who imitates and employs or sells an imitation of a patented invention, or who employs the same or sells it to others with previous knowledge of the fact of such imitation, or uses the patented technical process of another, shall be liable to major confinement for not less than one month and not more than one year, or to a fine of not less than 20 yen and not more than 200 yen. Persons who import from abroad for use or sale any article in witting violation of the rights of a patentee, or who, with knowledge of the fact, use or sell imported articles that infringe patent rights, shall be liable to similar punishment.

37. Under any of the foregoing circumstances the articles or apparatus in respect of which an offence has been committed shall be confiscated and handed over to the patentee whose rights have been infringed; and in the case of articles which have been sold, their value shall be exacted from the offender and handed to the patentee.

38. Persons who fraudulently obtain patent rights or who apply to unpatented articles, patent marks, or marks resembling the same, or who sell such articles with previous knowledge of those facts, shall be liable to major confinement for a period of not less than fifteen days and not exceeding six months, or a penalty not less than 10 yen and not exceeding 100 yen.

39. For offences under Article 36 the criminal investigation shall take place on the initiation of an action by the party injured, and in such a case a Judge may, on the motion of the injured party, suspend the use or sale of the articles on which the cause is based.

40. A patentee who neglects to affix a patent mark as provided in Article 29 to his goods cannot appeal or sue for indemnity on account of alleged damages.

41. When a defendant wishes to show that a patent is null and void, he may lay such fact before the Court, and shall within thirty days subsequently apply to the Patents Bureau for arbitration as laid down in Article 17. In such an event the Court shall suspend judgment pending the conclusion of such arbitration.

42. The provisions of the Penal Code as to the concurrence of several offences shall not apply to offences under these Regulations.

43. Detailed rules for the carrying out of these Regulations will be specially prepared by the Minister of State for Agriculture and Commerce.*

* Rules prepared under this Article were published on November 18, 1892, and enforced from December 1, 1892.

44. These Regulations shall come into force on the 1st February, 1889.

45. The Patents Regulations (Notification No. 7, April 1885) shall be abolished on the date these Regulations come into force.

Patents secured under the former Patent Regulations shall have the same validity as those secured in accordance with the present Regulations. Any application for a patent which may not be settled on the date these Regulations come into force, will be settled in accordance with the present Patents Regulations.

JAPANESE Trade-marks Regulations.—December 18, 1888.

(Translation.)

WE hereby give our sanction to the present Ordinance relating to the revision of the Trade-marks Regulations, and order it to be duly promulgated.

Dated December 18, 1888.

(His Imperial Majesty's Sign Manual.)

(Privy Seal.)

Count KURODA KIYOTAKA, *Minister President of State.*

Count INOUE KAORU, *Minister of State for Agriculture and Commerce.*

Imperial Ordinance No. 86.—Trade-marks Regulations.

ART. 1. Any person desirous of using a trade-mark to distinguish his own merchandize may register such trade-mark under these Regulations, and may use the same exclusively. Trade-marks should be composed of distinctive diagrams, or characters, or of both combined, as their essential parts.

2. Trade-marks of the following nature will not be registered :—

(1.) Those that contain a scandalous design ;

(2.) Those the essential parts of which consist of a common designation of merchandize or of a foreign or domestic national flag ;

(3.) A mark closely resembling one already in use by another person for a similar article.

3. Applications for registration of trade-marks should be made to the Minister of State for Agriculture and Commerce, accompanied by written detailed statements and specimens of the marks.

All applications, written detailed statements, and specimens will be submitted to the Patents Bureau.

4. On the receipt of an application for registration of a trade-mark, the Director of the Patents Bureau shall require the Judges of the Bureau to examine the same, and should such examination prove satisfactory the trade-mark will, with the approval of the Minister of State for Agriculture and Commerce, be duly registered and a certificate to that effect issued.

5. The registration certificate shall bear the signatures of the Minister of State for Agriculture and Commerce and of the Director of the Patents Bureau, and should be handed to the applicant with the detailed statement and specimen of the trade-mark.

6. The term of exclusive use of any trade-mark shall be twenty years, computed from the date of registration.

7. The exclusive use of a trade-mark shall be limited to merchandize specified by the applicant in accordance with the classification of merchandize as fixed by the Minister of State for Agriculture and Commerce.

8. When two or more persons apply for registration of the same or a similar trade-mark for similar merchandize, registration will be granted according to priority in date of application; otherwise registration will not be granted.

When one applicant withdraws his application the foregoing provision will not apply.

9. When a person who has secured or is about to secure registration of a trade-mark dies, his rights shall devolve upon his heir.

10. Even though a trade-mark has been registered, should it be found to fall under the provisions of Article 2, or to have been registered in contravention of Article 8, such registration shall be declared null and void.

11. In matters relating to the examination of, and judgment and arbitration on trade-marks, the Patents Regulations shall apply.

12. The right pertaining to a trade-mark may be sold or transferred or made property in common only in the event of the owner of a registered trade-mark selling or transferring his business, or admitting another into partnership. In such a case application should be made to the Patents Bureau to have such contract registered, and no contract that is not so registered shall be valid as regards a third person.

13. Trade-marks even which have already been registered shall become invalid under the following circumstances:—

(1.) When without proper reason a trade-mark is not put into use within six months from the date of registration;

(2.) When without proper reason the use of a trade-mark has been suspended for one year;

(3.) When the particular business using a trade-mark has been relinquished ;

(4.) When fraud has been discovered with regard to the number of places of production or quality of the merchandize to which a trade-mark is applied ;

(5.) When a disfigured or defaced trade-mark has been used.

14. Any owner of a trade-mark who desires to renew registration of his trade-mark after the expiration of the term for which registration was originally granted, may apply for such renewal of his certificate.

15. Application, stating particulars, may be made for renewal of any certificate which has been defaced or lost.

16. Any owner of a registered trade-mark who discovers that his detailed statements or specimens were imperfect may apply for revision of his certificate by submitting revised statements and specimens with a view to securing the validity of his trade-mark.

This will not apply in any case where essential alterations in a trade-mark are involved.

17.* The following fees shall be paid for applications or demands in connection with trade-marks :—

(1.) For registration of a trade-mark, 1 yen for each trade-mark and each class of goods ;

(2.) For registration of sale, transfer or joint ownership of a trade-mark, 10 yen for each trade-mark and each class of goods ;

(3.) For renewal of registration certificate, 1 yen for each certificate ;

(4.) For revision of registration certificate, 2 yen for each trade-mark and each class of goods ;

(5.) For arbitration, 7 yen for each case.

18.* On the issue of a certificate of registration of a trade-mark, or of a revised certificate, or a renewed certificate, a registration fee of 20 yen should be paid for each class of goods to which the trade-mark applies.

19. Official trade-mark reports will be printed from time to time by the Patents Bureau, and provided for the inspection of the public. Such reports may also be purchased at a reasonable price.

20. Copies of documents in connection with registered trade-marks may be obtained from the Patents Bureau on payment of a reasonable fee.

21. Any one who infringes the rights of exclusive use of a registered trade-mark will be held responsible for the indemnification of the owner of such trade-mark.

22. Three years will be the full term for indemnification for loss as above.

* See Note on page 1133, in connection with Patents Regulations.

23. Any one who applies a trade-mark similar to that of another to the same or similar merchandize in the full knowledge of that fact, and sells such merchandize, or who with such knowledge sells such merchandize on behalf of another, shall be liable to major confinement for a period not exceeding six months and not less than fifteen days, or to a fine not exceeding 100 yen and not less than 10 yen.

Any one who obtains a registration certificate by fraudulent means, or affixes the word "registered" to any trade-mark which has not been registered, or who with full knowledge of the fact sells on behalf of another merchandize bearing such false or fraudulent trade-marks, shall be liable to the same punishment as above.

24. In any of the foregoing events the infringing trade-mark shall be effaced, and should the mark be inseparable from the goods the latter shall be destroyed.

25. Investigation into offences coming under the provisions of the first clause of Article 23 shall take place on the complaint of the injured party.

In such case a Judge may, on the motion of the complainant, order the temporary suspension of merchandize connected with the offence.

26. The provisions of the Criminal Code as to the concurrence of several offences will not apply to contraventions of the Regulations.

27. Detailed rules for the carrying out of these Regulations shall be specially prepared by the Minister of State for Agriculture and Commerce.*

28. These Regulations will be put in force on the 1st February, 1889.

JAPANESE Designs Regulations.—December 18, 1888.

(Translation.)

WE hereby give our sanction to the present Ordinance relating to the Designs Regulations, and order the same to be duly promulgated.

Dated December 18, 1888.

(His Imperial Majesty's Sign Manual.)

(Privy Seal.)

Count KUBODA KIYOTAKA, *Minister President of State.*

Count INOUE KAORU, *Minister of State for Agriculture and Commerce.*

* Rules prepared under this Article were published on November 18, 1892, and enforced from December 1, 1892.

Imperial Ordinance No. 85.—Designs Regulations.

ART. 1. Any one who has devised a new design, relating either to shape or figure or colour, for industrial articles, may have the same registered under the present Regulations, and enjoy its exclusive use.

2 Such designs as are specified below will not be registered:—

(1.) Any that are injurious to public morals;

(2.) Any that have been publicly known or used previously to application for registration.

3. Persons desirous of registering a design should forward an application to the Minister of State for Agriculture and Commerce, with a written detailed statement and diagrams.

The above documents will be submitted to the Patents Bureau.

4. When registration of a design is applied for, the Director of the Patents Bureau shall require the Judges of the Bureau to examine the same. Should the result of their inspection be satisfactory it will, with the approval of the Minister of State for Agriculture and Commerce, be registered as a design, and a design certificate issued.

5. The design certificate will be signed by the Minister of State for Agriculture and Commerce and the Director of the Patents Bureau. The certificate will be handed to the applicant, together with the detailed statement and diagrams.

6. Certificates will be issued for four periods: three years, five years, seven years, and ten years, computed from the day on which registration took place.

7. The exclusive use of a design shall be limited to such articles as are specified by the applicant in accordance with the classification as fixed by the Minister of State for Agriculture and Commerce.

8. When two or more persons apply for the registration of the same or a similar design, the application sent in first will be considered. Otherwise registration will be withheld.

The above will not apply when an application is made jointly by two persons or when one applicant withdraws.

9. The rights of a person who has secured or applied for registration of a design shall devolve on his heirs.

10. Rights accruing from registration of a design, intrusted to an applicant by some other person or devised at the cost of an employer, shall belong to such other person or employer.

The foregoing provision will not apply where a special stipulation existed.

11. In the case of a design, though registered, which is found to fall under Article 2, or which has been registered in contravention of Articles 8 and 9, registration will be cancelled.

12. The Patents Regulations shall apply in matters relating to the judgment and arbitration on, and examination of, designs.

13. The rights as to exclusive use of a design may be sold, transferred, made property in common, or hypothecated either conditionally or unconditionally, but such process must be registered in the Bureau, without which registration it will be invalid as regards a third person.

14. No official of the Patents Bureau may apply for registration of, or acquire otherwise than by inheritance, the exclusive rights of a design during his term of service in the Bureau.

15. The owner of a design certificate which has been lost or become mutilated may apply, stating the circumstances, for a fresh certificate.

16. The owner of a design certificate who finds that his detailed statement or diagrams were imperfect may apply for a fresh certificate to secure his rights, submitting at the same time a revised statement or diagrams.

This provision does not apply when an important alteration in the design is involved.

17. Owners of designs should affix to articles on which the designs are used registration marks as fixed by the Minister of State for Agriculture and Commerce.

18.* The following fees shall be paid on account of any application or demand relating to designs :—

- (1.) For registration of a design, 50 sen for each design ;
- (2.) For registration of sale, transfer, or joint ownership, 2 yen for each design ;
- (3.) For registration of a contract of hypothecation, 1 yen ;
- (4.) For reissue of registration certificate, 1 yen for each certificate ;
- (5.) For revision of certificate, 2 yen for each design ;
- (6.) For arbitration, 7 yen for each case.

19.* Persons obtaining a registration certificate shall pay the following fees for each class of goods to which the design is applied :—

- (1.) For exclusive use for three years, 3 yen ;
- (2.) For exclusive use for five years, 5 yen ;
- (3.) For exclusive use for seven years, 7 yen ;
- (4.) For exclusive use for ten years, 10 yen.

Persons obtaining an amended certificate of registration shall pay the following fees for each class of goods to which the design is applied :—

- (1.) For exclusive use for three years, 1 yen ;

* See Note on page 1133, in connection with Patents Regulations.

- (2.) For exclusive use for five years, 2 yen ;
- (3.) For exclusive use for seven years, 6 yen ;
- (4.) For exclusive use for ten years, 8 yen.

20. Any person who desires copies of documents or diagrams relating to registered designs may obtain the same from the Patents Bureau on payment of suitable fees.

21. Any person infringing the rights of a registered design shall be held liable to the designer of the same for indemnification of loss.

22. Such liability shall not extend beyond three years.

23. Any person who wilfully applies the design of another to a similar article, and sells the same, or who sells such article for another in previous knowledge of the fact, shall be liable to major confinement for a period not exceeding six months, and not less than fifteen days, or to a fine not exceeding 100 yen and not less than 10 yen.

Any person who imports from abroad and sells articles, knowing that the same infringe on the rights of a registered design, or who sells such articles with knowledge of such fact, shall be liable to the same punishment.

Any person obtaining a certificate of registration by fraud, or who affixes registration marks, or marks resembling them, to goods to which are applied unregistered designs, and sells the same, or who knowingly sells such goods on behalf of another, shall be liable to the punishment mentioned in the first clause of this Article.

24. The articles and apparatus used in the infringement mentioned in the foregoing Article shall be confiscated and handed to the owner of the design infringed, to whom the cost of articles sold, if any, shall also be given.

25. For offences coming under Article 23 the criminal investigation shall take place on the initiation of an action by the party injured, and in such case the Judge may, on the motion of the latter, suspend the use or sale of the articles on which the cause is based.

26. The owner of a registered design who has neglected to apply the registration mark as provided in Article 17 is not entitled to complain or sue for damages.

27. The provisions of the Penal Code as to the concurrence of several offences shall not apply to offences under these Regulations.

28. Detailed rules for the carrying out of these Regulations will be specially prepared by the Minister of State for Agriculture and Commerce.*

* Rules prepared under this Article were published on November 18, 1892, and enforced from December 1, 1892.

29. These Regulations shall come into force on the 1st February, 1889.

*DECLARATION between Italy and Norway, on the subject of
Tonnage Measurement of the Vessels of the two Countries.—
Signed at Rome, May 31, 1894.*

Le Gouvernement de Sa Majesté le Roi d'Italie et le Gouvernement de Sa Majesté le Roi de Suède et de Norvège, animés du désir de faciliter, autant que possible, le commerce et la navigation entre l'Italie et la Norvège, ont résolu de modifier, par la présente, les stipulations contenues dans la Déclaration du 28 Mars, 1883, pour ce qui concerne la reconnaissance mutuelle en Italie et en Norvège les lettres de jauge des navires de commerce, et, à cet effet, ont autorisé les Soussignés à déclarer ce qui suit :—

ART. I. Les navires Italiens munis d'un certificat spécial, délivré par les autorités compétentes Italiennes, constatant le tonnage net, déterminé d'après les règles en vigueur dans la Grande Bretagne, ou bien portant sur leurs papiers de bord une annotation par ces mêmes autorités indiquant le tonnage ainsi déterminé, payeront dans les ports de Norvège les taxes et droits dûs par eux, sur la base du jaugeage net, résultant du certificat ou de l'annotation susdita.

Quant aux navires qui en seraient dépourvus, les capitaines pourront demander que le jaugeage net soit déterminé d'après les règles susmentionnées, pour servir de base à la perception des taxes et droits auxquels le navire est soumis.

II. Les navires Norvégiens munis d'un certificat spécial, délivré par les autorités compétentes Norvégiennes, constatant le tonnage net déterminé d'après les règles en vigueur en Italie, ou bien portant sur leurs papiers de bord une annotation par ces mêmes autorités, indiquant le tonnage ainsi déterminé, payeront dans les ports d'Italie les taxes et droits dûs par eux sur la base du jaugeage net, résultant du certificat ou de l'annotation susdits.

Quant aux navires, qui en seraient dépourvus, les autorités Italiennes auront la faculté d'en faire déterminer le jaugeage net d'après les règles en vigueur en Italie, pour servir de base à la perception des taxes et droits auxquels le navire est soumis.

III. Le mesurage pour déterminer le tonnage, à défaut du certificat spécial mentionné aux paragraphes 1 et 2, sera limité aux mesures strictement nécessaires, et ne concernera pas les locaux, dont les dimensions résultent déjà des indications du certificat de jauge ordinaire.

Cette Déclaration entrera en vigueur le 1^{er} Juin, 1894.

Fait à Rome, en double expédition, 31 Mai, 1894.

(L.S.) BLANC, *Ministre des Affaires Étrangères de Sa Majesté le Roi d'Italie.*

(L.S.) BILDT, *Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Suède et de Norvège.*

Notes exchanged on the subject of the above Declaration.

The Italian Minister for Foreign Affairs to the Swedish and Norwegian Minister at Rome.

M. LE MINISTRE,

Rome, le 29 Mai, 1894.

FAISANT suite à ma note d'hier, relative à l'arrangement à conclure avec la Norvège sur le tonnage des navires, et dans le but de bien arrêter la portée de ce même arrangement, je juge nécessaire de vous déclarer, au moment de procéder à la signature de l'acte, qu'il est entendu que les deux Gouvernements sont d'accord sur les points suivants :—

1. Que les lettres de jauge Norvégiennes délivrées avant le 1^{er} Octobre, 1893, seront, comme par le passé, reconnues en Italie pour ce qui concerne les navires n'ayant pas été remesurés en Norvège après cette date. A ces derniers on continuera à appliquer les dispositions de la Déclaration du 28 Mars, 1883 ;

2. Que les navires à voile Norvégiens, munis de lettres de jauge d'après les nouvelles règles, seront exempts de remesurage en Italie, et que le calcul des droits à percevoir sera basé sur le tonnage net, indiqué dans la lettre de jauge, augmenté du volume des espaces spécifiés sous les lettres (b), (c) et (d) de leur certificat de jauge.

En vous priant de vouloir bien, par une note rédigée dans ces mêmes termes, me donner acte ou non de votre Gouvernement de cette déclaration, je vous, &c.,

M. Bildt.

BLANC.

The Swedish and Norwegian Minister at Rome to the Italian Minister for Foreign Affairs.

M. LE BARON,

Rome, le 30 Mai, 1894.

J'AI eu l'honneur de recevoir la note en date d'hier relative à l'arrangement à conclure pour la reconnaissance mutuelle des lettres de jauge Norvégiennes et Italiennes, par laquelle votre Excellence, dans le but de bien arrêter la portée de ce même

arrangement, a bien voulu me déclarer, au moment de procéder à la signature de l'acte, qu'il est entendu que les Gouvernements Contractants sont d'accord sur les points suivants :—

1. Que les lettres de jauge Norvégiennes délivrées avant le 1^{er} Octobre, 1893, seront, comme par le passé, reconnues en Italie pour ce qui concerne les navires n'ayant pas été remesurés en Norvège après cette date. A ces derniers on continuera à appliquer les dispositions de la Déclaration du 28 Mars, 1883 ;

2. Que les navires à voile Norvégiens, munis de lettres de jauge d'après les nouvelles règles, seront exempts de remesurage en Italie, et que le calcul des droits à percevoir sera basé sur le tonnage net, indiqué dans la lettre de jauge, augmenté du volume des espaces spécifiés sous les lettres (b), (c) et (d) de leur certificat de jauge.

J'ai l'honneur, au nom de mon Gouvernement, de donner acte à votre Excellence de cette déclaration, laquelle est entièrement conforme à nos vues.

Je profite, &c.,

Baron Blanc.

BILDT.

CONSULAR CONVENTION between Italy and Peru.—

Signed at Lima, February 25, 1893.

[Ratifications exchanged at Lima, June 11, 1896.]

(Translation.)

HIS Majesty the King of Italy and his Excellency the President of the Republic of Peru, having recognized the necessity of determining in a clear and precise manner the attributes, prerogatives, and immunities which the Consular officers of each of the two States who may be resident in the territory of the other shall enjoy, have resolved to conclude a Consular Convention, and for this purpose have named as their Plenipotentiaries :

HIS Majesty the King of Italy, M. Giulio M. Lecca, Italian Chargé d'Affaires in Lima ;

HIS Excellency the President of the Republic of Peru, Dr. Ramon Ribeyro, Minister for Foreign Affairs ;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents in the ports, cities, and other places in the territory of the other party, the right being reserved by the latter to except the localities which may seem convenient to it. But this reservation shall not be applicable

to one of the High Contracting Parties unless it be equally applicable to all other nations.

II. The said officers shall be reciprocally admitted and recognized on the presentation of their commissions, in accordance with the regulations and formalities established in the respective States.

The exequatur applied for in order to exercise without hindrance the duties of their office shall be granted gratis; and, on the presentation of the said exequatur, the competent authority in the place of their residence shall immediately take the necessary steps in order that they may discharge the duties of their office, and may enjoy their respective exemptions, prerogatives, honours, and privileges.

Each one of the High Contracting Parties reserves to itself the right of cancelling an exequatur granted to any of the said officers whenever it may be deemed convenient to do so. It is, however, agreed that in such cases the causes which may have given rise to such a measure shall be stated.

III. The Diplomatic Agents or the Consuls-General and Consuls who may be empowered to do so by the laws of their own nation may appoint Vice-Consuls and Consular Agents in the cities, ports, and places of their respective districts, subject to the recognition by the Government of the territory being first obtained thereto.

These officers may be citizens of either of the two contracting nations or foreigners. They shall be provided with a letter of authority issued by the Diplomatic Agent or the Consul who may name them, and under whose superintendence they exercise their functions, and they shall enjoy the corresponding privileges stipulated for in the present Convention in favour of the Consular officers named by their respective Governments.

IV. In cases of the absence or death of Consuls-General, Consuls, Vice-Consuls, and Consular Agents, or of their inability to discharge their duties, the Consular clerks, Cancellieri, and Secretaries who may have been presented as such to the respective authorities shall be admitted by right according to their respective rank to exercise provisionally Consular functions. The local authorities shall afford them assistance and protection, and shall admit them whilst acting to the enjoyment of all exemptions, prerogatives, immunities, and privileges stipulated for in the present Convention in favour of the duly-appointed Consular officers on the same conditions and under the reservations affecting the latter.

In case of the death of a Consular officer without leaving any substitute or other person in charge of the archives, the competent legal authority shall seal the books, letters, and documents of the Consulate, abstaining from reading them or examining papers and notes.

This proceeding shall take place in the presence of two of the citizens of the State for which the Consular officer was named; and, in default of them, of two persons of standing in the place, preference being given where possible to the Consuls of other friendly Powers.

When the archives are delivered to the new Consular officer, the seals shall be taken off in the presence of the aforementioned persons should they still be residing in the place.

V. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents can place over the outer door of the Consulate the shield with the arms of their nation, with the following inscription:—

“Consulate, or Vice-Consulate, or Consular Agency, of the Republic of Peru or of His Majesty the King of Italy.”

It shall be lawful for them also to hoist the flag of their nation over the Consular residence, on the days of any public solemnity, religious or national, and on other occasions when it may be customary so to do.

It is, however, understood that these outward signs in no way imply the privilege of extritoriality, or the right of asylum, serving only to designate the Consular residence to seamen and countrymen.

They shall, further, have the right to hoist the national flag on the craft they may employ in the exercise of their functions in the ports within their Consular districts.

VI. The territorial authorities can in no case, nor under any pretext whatsoever, examine or sequester the official papers, or any others having reference to the Service which may be deposited in the Consular archives, which are, as well as the place in which they are kept, inviolable.

The Consuls, Vice-Consuls, or Consular Agents cannot place among the said archives any document or object foreign to the Service. The place used for keeping such documents or objects must be completely separated from the private apartment of the Consul, and not serve for any other purpose.

VII. When the Consuls-General, Consuls, Consular Agents, and Cancellieri sent by their Government are required to make declarations before the Judges of First Instance, these shall invite them to do so, designating the day and hour, and they cannot refuse to give the evidence demanded.

The said Judges shall for this purpose go to the dwelling of the Consuls-General, who may, should they prefer it, send their declarations in writing.

As regards Consular officers of inferior rank, the Judges shall receive them in their offices, where such officers shall be accorded a preferential seat.

All Consular officers without exception shall attend the Sessions of the Superior Tribunals, when duly invited, a preferential seat being given to them in the Court.

VIII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents are not to be subjected to detention unless for offences which are punishable with permanent dismissal from the public service, or imprisonment for a term exceeding three years.

IX. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents are exempt from having the military billeted on them if they are citizens of the State which has named them, and from every other office or service, be they municipal or otherwise.

Further, they shall be exempt from the payment of military contributions and direct taxes imposed by the State or the provinces and municipalities, the collection of which is made in conformity with the tax register, with the exception of those levied on real estate possessed by them, or on the interest on capital employed in the State in which the said officers exercise their functions.

But this exemption does not apply to those Consuls-General, Consuls, Vice-Consuls, or Consular Agents who may exercise a profession or carry on any industry or trade; these being liable for the payment of any taxes imposed upon other foreigners in similar circumstances.

X. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents may address themselves to the authorities of their district for the purpose of remonstrating against any infraction of Treaties or Conventions existing between the two countries, and against any abuse complained of by their countrymen.

If their remonstrances should not be heeded by the authority of the district, or if the decision given by the latter should not appear satisfactory to them, they shall have the right to appeal, in default of a Diplomatic Agent of their nation, to the Government of the country where they reside.

XI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents are at liberty to send a deputy or go on board a vessel of their nation which may be admitted to pratique, to examine the master and the crew, the ship's papers, to receive declarations relating to the voyage and the incidents thereof, to certify the manifests and facilitate the clearance of the vessel.

Further, they shall be at liberty to accompany the master and crew before the Tribunals or Administrative offices in the district where they reside, to give them assistance and interpret for them in respect to the matters which may have to be dealt with or to the Petitions which may have to be presented.

None of the local authorities of either of the Contracting

shall have the right, the ordinary visiting Custom-house authorities being excepted, to go on board the merchant-vessels of the other party, with the object of instituting investigations or performing other acts, without having previously notified the respective Consular officer in order that he may be present at the visit should he wish so to do, it being clearly understood that such notification in no way authorizes the said Consular officer to obstruct or in any way oppose the action of the authorities.

In like manner they shall notify the Consular officers in order that they may be present at the declarations of masters and their crews to be made before the Tribunals or local authorities, with a view to avoid any mistakes which might be prejudicial to the fair administration of justice. In the invitation the day and hour shall be stated, and should the Consular authority not be present personally or be represented by a deputy, the proceedings may be carried on without him.

XII. The Consular officers in the respective countries shall have the right, in conformity with the laws and regulations of their country—

1. To take, whether in their office or house, in the place of their residence, or on board the vessels of their nation, the declarations of the masters and crews, of the passengers who were on board, of the merchants or of any other citizens of their country ;

2. Of receiving and extending individual acts, wills, and codicils of their countrymen, and all and every kind of contract entered into between them and the citizens of any of the residents in the country in which they may reside ;

If these contracts have for their object to establish a *jus in rem* or any other species of transaction concerning real estate situated in the country where the Consul resides, they must in that case be carried into effect in the form and in accordance with the special formalities requisite in that country ;

3. To legalize contracts between any of the inhabitants of the country in which they reside, provided always that such contracts refer exclusively to property situated in or to business which may be carried on in the territory of the nation to which the Consul or Consular Agent belongs before whom such acts are performed.

All such acts, certificates, or attestations aforesaid, duly legalized by such Agents and bearing the Consular seal, shall be worthy of all faith and credit in Court and elsewhere, and shall have legal force equally in Peru as in Italy, provided always that they be in conformity with the laws of the country to which the Consuls belong, and that all stamp, registration, &c., dues have been paid and all other conditions fulfilled which may be requisite in the country where they may be carried into effect.

Further, full legal force and value shall be accorded to the translations, extracts, and legalizations which the Consular officers may make of any document which may emanate from the functionaries and authorities of their respective States.

Should any doubt arise as to the authenticity of a public document registered in the Chancery of any of the respective Consulates, the comparing of it with the original document cannot be refused to any interested person who may demand it, and who may witness the Act should he desire it.

XIII. In the event of the death of a subject of one of the Contracting Parties, in the territory of the other, the local authorities shall give immediate notice to the Consular officer in whose district the death may have taken place. The Consular officers, on their part, shall give immediate notice to the local authorities if they have been first apprised of the fact.

In the case of a Peruvian dying in Italy or of an Italian dying in Peru leaving a will, or intestate, without legal heirs in the country, or if these should be under age, labouring under a disqualification, or absent, and there should be neither a legal representative to administer the estate in the place, nor an executor, the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the nation to which the deceased may have belonged shall have the right to perform the following acts:—

1. To place seals by virtue of his office or at the request of the interested parties on all effects, furniture, and papers of the deceased, previous notice having been given to the competent local authorities, who are at liberty to assist at the act and place their own seals as well.

These seals, as well as those of the Consular officer, cannot be taken off except in presence of the local authority. Nevertheless, if, after being invited to witness the act of taking off the double seals by the Consular officer, the local authority should not be present within forty-eight hours, to be reckoned from the time of the notice being delivered, the Consular officer may proceed to perform the act alone.

2. To draw out an inventory of all properties and effects of the deceased in the presence of the local authority, if the latter has accepted the invitation to witness the act. The local authority shall affix the signature to all acts which may be drawn up in his presence, but without exacting any dues whatsoever for his interposition therein.

3. To order the sale by public auction of all the movable property of the estate which might suffer deterioration, and of that which may be difficult to keep, as also of all crops and other effects, for the sale of which favourable circumstances may present themselves.

4. To deposit in a place of safety the effects and valuables under inventory; to keep the amount obtained from the collection of outstanding debts, and the proceeds of the sales he may receive, whether in the Consular office or in the hands of some merchant who may offer the necessary guarantees. These deposits should take place by agreement with the local authority which may have assisted at all the acts which have been performed previously, in order that at the meeting referred to in the next paragraph there may present themselves subjects of the country, or of a third State, as interested in the estate either under a will or *ab intestato*.

5. To announce the death and summon by means of the local press, as well as that of the country of the deceased, the creditors who may have claims on the estate in order that they may present their respective titles in legal form within the term fixed by the laws of each of the two countries.

If any creditors should present claims against the estate, the payment of their claims shall be effected within fifteen days from the termination of the inventory, provided that there may be available funds; and if the contrary be the case, so soon as the necessary funds may be realized in the most feasible manner, or, in fine, within the time fixed by common accord between the Consul and the majority of the interested parties. If the respective Consuls should refuse to pay the whole or any part of the debts, alleging the insufficiency of the proceeds of the estate, the creditors shall have the right of applying to the competent authorities for the power of placing the estate in bankruptcy.

As soon as such an order shall have been obtained in legal form, the Consular officer shall immediately hand over to the judicial authority or to the trustees of the estate all the documents, effects, or property belonging to the estate, and they shall represent the absent heirs, those under age, and those labouring under personal disqualifications.

In no case shall it be lawful for the Consular officer to deliver over the estate or the proceeds thereof to the legitimate heirs or their attorneys until six months shall have elapsed, to be reckoned from the day on which notice of the death was published in the papers.

If there should be no heirs entitled to inherit according to the law of the country of the deceased, the estate shall revert to the Exchequer of the State where the death may have happened.

6. To administer and liquidate, either themselves or through other persons named by them, and under their responsibility, the property left by will or *ab intestato*, without the interposition of the judicial authorities in such acts, unless subjects of the country or of

a third Power should have claims to prove against the estate, in which case, should difficulties arise, the Consular officers shall not be permitted to decide them, but the questions shall be submitted to the local Tribunals. The said Consular officers shall then act as representatives of the estate, that is to say, retaining the administration and right of definitely liquidating the estate, and selling the effects in the manner already set forth; at the same time they shall take under their charge the interests of the heirs, and shall have the faculty of naming lawyers for the defence of their rights before the Tribunals. It is understood that they shall submit to the Tribunals all the documents and proofs which may serve for determining the suit.

Once sentence is pronounced the Consular officers shall carry it into effect, unless an appeal be made, and shall then continue the liquidation by full right, which had remained in suspense during the law-suit.

XIV. In case of a Peruvian dying in Italy, or an Italian in Peru, in a place where there may be no Consular officer, the competent authority of the country shall proceed in accordance with the laws of the country to form the inventory of the property of the deceased under the obligation of giving an account of the result, and with the least possible delay, to the respective Legation or to the Consulate or Vice-Consulate nearest to the place where the estate is being administered.

But from the moment the Consular officer may present himself in person, or send his deputy to replace him, the local authority must act in conformity with the prescriptions of the preceding Article.

XV. Whenever any subject of one of the Contracting Parties may have an interest in an estate for which letters of administration have been granted in the territory of the other party, whether such estate be of one of his countrymen, or a native of the country in which he resides, or a subject of a third Power, the local authorities must inform the nearest Consulate of the granting of letters of administration.

XVI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two States shall exclusively take cognizance of the formation of inventories and other acts which may be done with the object of preserving any effects left by the sailors of their nation who may die on land or on board the vessels of their country, whether during the voyage or in the port of arrival.

The present provision shall be applicable also to property left by passengers of their nation who may have died on board ship or on land during the voyage.

XVII. In all that concerns the police in the ports, the loading

and unloading of vessels, and the security of merchandize, property, or effects, the Laws, Statutes, and Regulations of the country shall be observed.

It shall be within the exclusive province of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents to maintain order on board the merchant-vessels of their nation, and they alone can inquire into any questions that may arise between the master and the officers or crew relating to wages or the fulfilment of the agreements entered into by them.

XVIII. The local authorities shall interfere whenever on board the merchant-vessels of the other nation any disorder may arise of such a nature as to disturb the public peace on shore or in the port, or when such disorder occurs any person of the country or person who does not belong to the crew may be implicated.

In all other cases the local authorities shall limit themselves to giving assistance to the respective Consular officers, should they demand it, for the purpose of arresting or taking on board men who may be entered on the ship's articles, and whom it may be found convenient to secure.

The detention shall not be prolonged for a length of time beyond that allowed by the Constitution or the law of the country where it may take place.

XIX. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be empowered to cause the arrest of seamen or any other person forming part of the crew of the merchant-vessels or ships of war of their nation who may have deserted on the territory of the other State in order that they may be conveyed on board or sent home.

With this object they shall address themselves in writing to the competent judicial authority, and shall prove, either by exhibiting the ship's papers or the articles, or, in default of these, should the vessel have already sailed, by means of an authentic copy of, or extract from, the said papers, that the persons whose surrender is demanded really formed part of the crew.

The application being made and properly proved, it shall not be permissible to refuse to surrender the deserters. Every possible assistance and co-operation shall be afforded to the said Consular officers for the apprehension and safe custody of the said deserters in the prisons of the country at the request and expense of the Consul or Vice-Consul up to the date of their being sent home. In any case the detention shall not exceed three months, at the end of which the man under arrest shall be set at liberty, the Consular officer being notified three days previously, and he cannot be imprisoned again for the same offence.

In the event of the deserter having committed an offence on

shore, the local authority shall delay the surrender until the Tribunals shall have pronounced sentence, and until this may have been fully and completely carried into effect.

The provisions in the present Article shall not be applicable to those who may be citizens of the country in which the desertion has taken place.

XX. Whenever no agreement may have been entered into between the masters, owners, or insurers as to the damages which may be incurred on board Peruvian or Italian vessels, whether on the high seas or on their way to any of the ports of the two States, the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, or their deputies, shall investigate the cause of the said damages, provided that their countrymen alone are interested.

If in such average there should be interested citizens or subjects of the State in which the Consular officers, citizens, or subjects of a third Power may reside, the local authorities shall intervene, doing their utmost to procure an amicable adjustment and arrangement.

XXI. In the event of a shipwreck or stranding of a ship belonging to the Government or citizens or subjects of the High Contracting Parties on the coast of the other party, the authorities shall communicate such an occurrence to the Consul-General, Consul, Vice-Consul, or Consular Agent of the district, or, in their default, to the Consul-General, Consul, Vice-Consul, or Consular Agent nearest to the place where the casualty may have occurred.

All salvage operations in respect to the ships of one of the two States which may be shipwrecked or stranded in the territorial waters of the other State shall be conducted by the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents in conformity with the laws and regulations of the country.

The intervention of the local authorities in the two countries shall be limited to assisting the Consular officers in maintaining order and guaranteeing the interests of the salvors, not belonging to the crew, and to insure the carrying out of regulations which must be observed in regard to the entry and dispatch of the merchandize saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, or the persons who may be delegated by them for such an object, the local authorities shall take all necessary measures for the protection of persons and property which may be saved from the shipwreck.

The intervention of the local authorities in all the above cases shall not enable them to levy export duties, with the exception of those to which in analogous cases the national vessels may be liable,

but they may claim the reimbursement of the charges occasioned by the salvage services and the preservation of the effects saved.

In case of doubt as to the nationality of the shipwrecked vessel, the carrying out of the above-named provisions shall be within the exclusive jurisdiction of the local authority.

The High Contracting Parties, on the other hand, agree that the merchandize and property saved shall not be subject to the payment of customs duty unless intended for use in the country.

XXII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents, as also the Cancellieri, Secretaries of and Attachés to the Consulates, shall enjoy in the two countries the prerogatives, immunities, and privileges actually accorded, or which hereafter may be conceded, to the agents of equal rank of the most favoured nation, provided always that such concessions be reciprocal.

It is well understood that, with the exception of those above referred to, Consular officers have no claim under any circumstances to diplomatic prerogatives.

XXIII. The two Contracting Governments agree that all questions which might arise as regards the interpretation or carrying into effect of the present Convention, or the consequences of the violation thereof, shall be referred, when every direct means may have been exhausted with a view to an amicable arrangement, to the decisions of Commissions of Arbitration, and that their award shall be binding upon both parties.

The members of such Commissions shall be chosen by common consent by the two Governments; in case of disagreement, each one of the parties shall name its Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus named shall select an Umpire.

The rules of procedure shall be in each case agreed upon by the Contracting Parties; and, in case of disagreement, the Tribunal of Arbitration shall consider itself authorized to draw them up previously.

XXIV. The stipulations of the present Convention shall begin to take effect so soon as the exchange of ratifications shall have taken place. The present Convention shall be in force for ten years, to be reckoned from the date of the said exchange.

If neither the one nor the other of the High Contracting Parties should officially announce to the other its intention to terminate this Convention, it shall at any time hereafter continue in full force for one year after such declaration may have been made.

XXV. The present Convention shall be sanctioned and ratified by the High Contracting Parties, and the exchange of ratifications shall take place in Lima or in Rome.

In witness whereof the respective Plenipotentiaries have signed and sealed it with their respective seals in Lima, the 25th day of February, 1893.

(L.S.) G. M. LECCA.

(L.S.) R. RIBEYRO.

DÉCRET du Khédive d'Égypte, approuvant la Convention pour l'Affranchissement des Droits d'Octroi sur les Sucres Raffinés Indigènes provenant de la Société de la Raffinerie d'Égypte. —Alexandrie, le 21 Juin, 1887.

Nous, Khédive d'Égypte,

Vu notre Décret du 17 Janvier, 1880 ;

Vu l'avis des Commissaires-Directeurs de la Caisse de la Dette Publique ;

Sur la proposition de notre Ministre des Finances et l'avis conforme de notre Conseil des Ministres ;

Décrétons :

ART. 1^{er}. Les sucres raffinés indigènes provenant de la Société de la Raffinerie d'Égypte sont affranchis du droit d'octroi.

2. Est approuvée la Convention intervenue entre notre Ministre des Finances et la Société de la Raffinerie d'Égypte et annexée au présent Décret.

3. Notre Décret du 4 Juin, 1885, est et demeure abrogé.

4. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais de Ras-el-Tin, le 21 Juin, 1887 (30 Ramadan, 1304).

MÉHÉMET THEWFIK.

Par le Khédive :

MOHAMED ZEKI, *Ministre des Finances.*

ANNEXE.

*Convention avec la Société de la Raffinerie d'Égypte pour l'Affranchissement des Droits d'Octroi sur les Sucres Raffinés Indigènes. — Signée au Caire, le 9 Juin, 1887.**

ENTRE son Excellence Mohamed Zeki Pacha, Ministre des Finances, au nom et comme représentant le Gouvernement Egyptien, d'une part ; et M. Félix Suarès, sujet Italien, demourant au Caire, agissant au nom et comme Président

* Replaced by a Convention signed July 13, 1893. See Annex to Egyptian Decree of that date, page 1165.

du Conseil d'Administration de la Raffinerie d'Égypte dûment autorisé aux fins des présentes, suivant délibération du Conseil d'Administration en date du 7 Juin courant dont une copie certifiée conforme est et demeure annexée aux présentes, d'autre part ;

Il a été convenu ce qui suit :—

ART. I. Tous les sucres raffinés, à destination de l'intérieur, et sortant de l'usine établie par la Société de la Raffinerie d'Égypte, sont exonérés du droit de consommation *ad valorem* dans les conditions et sous les réserves énoncées dans les Articles suivants.

II. Le coût non amorti du matériel existant sera amorti en vingt-cinq ans à raison de $\frac{1}{25}$ par année.

Le matériel qui serait à l'avenir acquis par la Société sera également amortissable dans les mêmes conditions à raison de $\frac{1}{25}$ par année.

III. Le montant des pertes subies jusqu'à ce jour par la Société sera arrêté contradictoirement et après examen de toute la comptabilité par le Gouvernement.

Ce passif sera amorti en dix-huit années, c'est-à-dire, à raison du $\frac{1}{18}$ du montant par an.

Ces deux charges figureront au compte "Profits et Pertes."

IV. Lorsque l'exercice financier d'une année se soldera par des bénéfices, ces bénéfices seront affectés, en premier lieu, au paiement aux actionnaires d'un dividende jusqu'à concurrence du 3 pour cent sur le capital versé.

V. Après prélèvement du 3 pour cent ci-dessus, les bénéfices seront affectés au paiement du droit de consommation jusqu'à concurrence du 2 pour cent. Ce 2 pour cent sera calculé sur la valeur moyenne mensuelle des sucres raffinés sur la place de Marseille.

VI. Si ce droit de 2 pour cent acquitté, il reste encore des bénéfices, ce reliquat sera réparti par moitié entre les actionnaires et le Gouvernement, sans que la part de celui-ci ajoutée au 2 pour cent prévu à l'Article V puisse jamais dépasser 5 pour cent.

La somme revenant au Gouvernement devra être payée au comptant, aussitôt après l'approbation des comptes par l'assemblée générale.

Il est bien entendu que les revenus sont annuels et qu'aucune compensation ne peut avoir lieu entre un exercice et un autre, ni pour les pertes ni pour les bénéfices.

Toutefois quand les bénéfices de la Société n'auront pas permis de prélever le montant intégral des annuités amortissement prévues aux Articles II et III, le reliquat sera reporté à l'exercice suivant.

VII. Le Gouvernement pourra à toute époque faire procéder par des Délégués à la vérification des livres et écritures de la Société. Celle-ci est tenue de se soumettre à cette vérification et de fournir au Délégué du Gouvernement tous les éléments de contrôle qu'il croirait devoir exiger.

Tout refus de la part de la Société de se soumettre à ces prescriptions donne droit au Ministre des Finances de prononcer la déchéance du bénéfice de la présente concession.

VIII. La Société prend à sa charge toutes les dépenses qui résulteraient pour l'État du licenciement du personnel actuellement proposé à la surveillance de la raffinerie.

IX. L'exonération aura son effet à partir du 1^{er} Janvier, 1887.

Toutefois les sommes dues jusqu'à ce jour en vertu du Décret du 6 Juin, 1886, restent définitivement acquises à l'État, sans qu'il puisse avoir répétition pour quelque cause et sous quelque prétexte que ce soit.

X. La présente Convention ne deviendra définitive qu'après avoir été approuvée par un Décret Khédivial.

Fait double au Caire, le 9 Juin, 1887.

MOHAMED ZEKI, *Ministre des Finances.*

FÉLIX SUARÈS, *Président du Conseil d'Administration de la Société Anonyme de la Raffinerie d'Égypte.*

DÉCRET du Khédive d'Égypte, fixant à 4½ pour cent le Taux de la nouvelle Dette Domaniale.—Le Caire, le 18 Mars, 1893.

Nous, Khédive d'Égypte,

Vu le Décret du 6 Juin, 1890;*

Avec l'assentiment des Puissances qui ont précédemment accepté le Décret susvisé;

Sur la proposition de notre Ministre des Finances et l'avis conforme de notre Conseil des Ministres;

Décrétons :

ART. 1^{er}. Le taux de la nouvelle Dette Domaniale dont la création est autorisée par l'Article 1^{er} du Décret du 6 Juin, 1890, pour convertir ou rembourser les obligations domaniales hypothécaires d'Égypte 5 pour cent, est fixé à 4½ pour cent d'intérêt annuel.

2. La nouvelle Dette Domaniale ne pourra être remboursée avant l'expiration d'une période de quinze années, sous réserve des dispositions édictées par l'Article ci-après et par les Articles 7 et 9 du Décret du 6 Juin, 1890. Un Décret ultérieur fixera la date à partir de laquelle cette période de quinze années commencera à courir.

3. Le total des ventes effectuées par l'Administration des Domaines pendant l'année 1893 ne pourra dépasser £ E. 741,816.

A partir du 1^{er} Janvier, 1894, il ne pourra dépasser £ E. 262,014 dans le cours d'une même année.

Toutefois, si les ventes d'une année ont été inférieures à ces sommes, les ventes des années ultérieures pourront être augmentées jusqu'à concurrence d'un maximum calculé à raison de £ E. 741,816 pour l'année 1893 et de £ E. 262,014 pour les années suivantes.

4. Sont formellement maintenues toutes les dispositions des Lois et Décrets en vigueur, et notamment celles du Décret du 6 Juin, 1890, en tant qu'elles ne sont pas contraires au présent Décret.

5. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais de Koubbeh, le 18 Mars, 1893 (29 Chaban, 1310).

ABBAS HILMI.

Par le Khédivé :

RIAZ, *Président du Conseil des Ministres.*

BOUTROS GHALI, *Ministre des Finances.*

DÉCRET du Khédivé d'Égypte, relatif à la Conversion des Obligations Domaniales Hypothécaires d'Égypte 5 pour cent en 4½ pour cent.—Le Caire, le 25 Mars, 1893.

Nous, Khédivé d'Égypte,

Vu le Décret du 6 Juin, 1890 ;*

Vu notre Décret du 18 Mars, 1893;†

Sur la proposition de notre Ministre des Finances et l'avis conforme de notre Conseil des Ministres ;

Décrétons :

ART. 1^{er}. A partir du 1^{er} Juin, 1893, les obligations Domaniales hypothécaires d'Égypte 5 pour cent porteront intérêt à raison de 4½ pour cent par an, payable par semestre le 1^{er} Juin et le 1^{er} Décembre de chaque année.

2. Les porteurs d'obligations Domaniales hypothécaires d'Égypte 5 pour cent qui demanderont le remboursement de leurs titres devront les présenter, jusqu'au 10 Avril, 1893, inclusivement, à Londres chez MM. N. M. Rothschild and Sons, à Paris chez MM. de Rothschild Frères, et en Égypte, au Caire, à l'Administration des Domaines de l'État.

Ces obligations seront remboursées le 1^{er} Juin, 1893. Le remboursement comprendra, conformément aux dispositions du second paragraphe de l'Article 16 du Décret du 6 Juin, 1890, le paiement en espèces du capital nominal des obligations, ainsi que le paiement en espèces des intérêts échus à raison de 5 pour cent l'an.

Les obligations présentées au remboursement doivent être munies de tous leurs coupons d'intérêt non échus.

Le montant des coupons non échus dont ne seraient pas munies les obligations présentées au remboursement sera déduit du capital à rembourser.

Le remboursement sera effectué, à Paris, au change fixe de

* Vcl. LXXXII, page 1006.

† Page 1157.

25-25 fr. par livre sterling et au Caire au change du jour sur Londres.

3. Toutes les obligations Domaniales hypothécaires d'Égypte 5 pour cent qui, à l'expiration du délai fixé au premier paragraphe de l'Article 2 du présent Décret, n'auront pas été présentées au remboursement, seront, conformément à l'Article 13 du Décret du 6 Juin, 1890, converties de plein droit en obligations Domaniales hypothécaires d'Égypte $4\frac{1}{4}$ pour cent.

4. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais de Koubbeh, le 25 Mars, 1893 (7 Ramadan 1310).

ABBAS HILMI.

Par le Khédive :

RIAZ, *Président du Conseil des Ministres.*

BOUTROS GHALI, *Ministre des Finances.*

DÉCRET du Khédive d'Égypte, relatif au Remboursement des Obligations Domaniales Hypothécaires d'Égypte $4\frac{1}{4}$ pour cent.—Le Caire, le 29 Mai, 1893.

Nous, Khédive d'Égypte,

Vu le Décret du 6 Juin, 1890 ;*

Vu nos Décrets des 18† et 25‡ Mars, 1893 ;

Sur la proposition de notre Ministre des Finances et l'avis conforme de notre Conseil des Ministres ;

Décrétons :

ART. 1^{er}. Les obligations Domaniales hypothécaires d'Égypte $4\frac{1}{4}$ pour cent ne pourront être remboursées avant le 1^{er} Juin, 1908, sous réserve des dispositions des Articles 7 et 9 du Décret du 6 Juin, 1890, et des dispositions de l'Article 3 de notre Décret du 18 Mars, 1893.

2. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais de Ramleh, le 29 Mai, 1893 (13 Zilkadeh, 1310).

ABBAS HILMI.

Par le Khédive :

RIAZ, *Président du Conseil des Ministres.*

BOUTROS GHALI, *Ministre des Finances.*

* Vol. LXXXII, page 1006.

† Page 1157.

‡ Page 1153.

DÉCRET du Khédive d'Égypte, modifiant le Décret du 3 Janvier, 1881, organisant le Conseil Sanitaire Maritime et Quarantenaire.—Le Caire, le 19 Juin, 1893.

Nous, Khédive d'Égypte,

Sur la proposition de notre Ministre de l'Intérieur, et l'avis conforme de notre Conseil des Ministres ;

Considérant qu'il a été reconnu nécessaire d'introduire diverses modifications dans notre Décret du 3 Janvier, 1881 (2 Safer, 1298) ;

Décrétons :

ART. 1^{er}. Le Conseil Sanitaire, Maritime, et Quarantenaire est chargé d'arrêter les mesures à prendre pour prévenir l'introduction en Égypte, ou la transmission à l'étranger, des maladies épidémiques et des épizooties.

2. Le nombre des Délégués Égyptiens sera réduit à quatre membres :—

(1.) Le Président du Conseil, nommé par le Gouvernement Égyptien, et qui ne votera qu'en cas de partage des voix ;

(2.) Un docteur en médecine Européen, Inspecteur-Général du Service Sanitaire, Maritime, et Quarantenaire ;

(3.) L'Inspecteur Sanitaire de la Ville d'Alexandrie, ou celui qui remplit ses fonctions ;

(4.) L'Inspecteur Vétérinaire de l'Administration des Services Sanitaires et de l'Hygiène Publique.

Tous les Délégués doivent être médecins régulièrement diplômés, soit par une Faculté de Médecine Européenne, soit par l'État, ou être fonctionnaires effectifs de carrière du grade de Vice-Consul au moins, ou d'un grade équivalent. Cette disposition ne s'applique pas aux titulaires actuellement en fonctions.

3. Le Conseil Sanitaire, Maritime, et Quarantenaire exerce une surveillance permanente sur l'état sanitaire de l'Égypte et sur les provenances des pays étrangers.

4. En ce qui concerne l'Égypte, le Conseil Sanitaire, Maritime, et Quarantenaire recevra chaque semaine du Conseil de Santé et d'Hygiène Publique, les bulletins sanitaires des villes du Caire et d'Alexandrie, et, chaque mois, les bulletins sanitaires des provinces. Ces bulletins devront être transmis à des intervalles plus rapprochés lorsque, à raison de circonstances spéciales, le Conseil Sanitaire, Maritime, et Quarantenaire en fera la demande.

De son côté, le Conseil Sanitaire, Maritime, et Quarantenaire communiquera au Conseil de Santé et d'Hygiène Publique les

décisions qu'il aura prises et les renseignements qu'il aura reçus de l'étranger.

Les Gouvernements adressent au Conseil, s'ils le jugent à propos, le bulletin sanitaire de leur pays et lui signalent, dès leur apparition, les épidémies et les épizooties.

5. Le Conseil Sanitaire, Maritime, et Quarantenaire s'assure de l'état sanitaire du pays, et envoie des Commissions d'inspection partout où il le juge nécessaire.

Le Conseil de Santé et d'Hygiène Publique sera avisé de l'envoi de ces Commissions et devra s'employer à faciliter l'accomplissement de leur mandat.

6. Le Conseil arrête les mesures préventives ayant pour objet d'empêcher l'introduction en Égypte, par les frontières maritimes ou les frontières du désert, des maladies épidémiques ou des épizooties, et détermine les points où devront être installés les campements provisoires et les établissements permanents quarantenaires.

7. Il formule l'annotation à inscrire sur la patente délivrée par les offices sanitaires aux navires en partance.

8. En cas d'apparition de maladies épidémiques ou d'épizooties en Égypte, il arrête les mesures préventives ayant pour objet d'empêcher la transmission de ces maladies à l'étranger.

9. Le Conseil surveille et contrôle l'exécution des mesures sanitaires quarantenaires qu'il a arrêtées.

Il formule tous les règlements relatifs au service quarantenaire, veille à leur stricte exécution, tant en ce qui concerne la protection du pays que le maintien des garanties stipulées par les Conventions sanitaires internationales.

10. Il réglemente, au point de vue sanitaire, les conditions dans lesquelles doit s'effectuer le transport des pèlerins à l'aller et au retour du Hedjaz, et surveille leur état de santé en temps de pèlerinage.

11. Les décisions prises par le Conseil Sanitaire, Maritime, et Quarantenaire sont communiquées au Ministère de l'Intérieur ; il en sera également donné connaissance au Ministère des Affaires Étrangères, qui les notifiera, s'il y a lieu, aux Agences et Consulats-Généraux.

Toutefois, le Président du Conseil est autorisé à correspondre directement avec les autorités Consulaires des villes maritimes pour les affaires courantes du service.

12. Le Président, et, en cas d'absence ou d'empêchement de celui-ci, l'Inspecteur-Général du Service Sanitaire, Maritime, et Quarantenaire, est chargé d'assurer l'exécution des décisions du Conseil.

A cet effet il correspond directement avec tous les agents du Service Sanitaire, Maritime, et Quarantenaire, et avec les diverses

autorités du pays. Il dirige, d'après les avis du Conseil, la police sanitaire des ports, les établissements maritimes, quaranténaires, et les stations quaranténaires du désert.

Enfin il expédie les affaires courantes.

13. L'Inspecteur Sanitaire, les Directeurs des offices sanitaires, les médecins des stations sanitaires et campements quaranténaires, doivent être choisis parmi les médecins régulièrement diplômés, soit par une Faculté de Médecine Européenne, soit par l'État.

Le Délégué du Conseil à Djeddah pourra être médecin diplômé du Caire.

14. Pour toutes les fonctions et emplois relevant du Service Sanitaire, Maritime, et Quarantenaire, le Conseil, par l'entremise de son Président, désigne ses candidats au Ministre de l'Intérieur, qui seul aura le droit de les nommer.

Il sera procédé de même pour les révocations, mutations et avancements.

Toutefois le Président aura la nomination directe de tous les agents subalternes, hommes de peine, gens de service, &c.

La nomination des gardes de santé est réservée au Conseil.

15. Les Directeurs des offices sanitaires sont au nombre de sept, ayant leur résidence à Alexandrie, Damiette, Port-Saïd, Suez, Tor, Souakim, et Kosseir.

L'office sanitaire de Tor ne pourra fonctionner que pendant la durée du pèlerinage ou en temps d'épidémie.

16. Les Directeurs des offices sanitaires ont sous leurs ordres tous les employés sanitaires de leur circonscription. Ils sont responsables de la bonne exécution du service.

17. Le Chef de l'Agence Sanitaire d'El Ariche a les mêmes attributions que celles confiées aux Directeurs par l'Article qui précède.

18. Les Directeurs des stations sanitaires et campements quaranténaires ont sous leurs ordres tous les employés du service médical et du service administratif des établissements qu'ils dirigent.

19. L'Inspecteur-Général Sanitaire est chargé de la surveillance de tous les services dépendant du Conseil Sanitaire, Maritime, et Quarantenaire.

20. Le Délégué du Conseil Sanitaire, Maritime, et Quarantenaire à Djeddah a pour mission de fournir au Conseil des informations sur l'état sanitaire du Hedjaz, spécialement en temps de pèlerinage.

21. Un Comité de Discipline, composé du Président, de l'Inspecteur-Général du Service Sanitaire, Maritime, et Quarantenaire, et de trois Délégués élus par le Conseil, est chargé d'examiner les plaintes portées contre les agents relevant du Service Sanitaire, Maritime, et Quarantenaire.

Il dresse sur chaque affaire un rapport et le soumet à l'appréciation du Conseil, réuni en assemblée générale. Les Délégués seront renouvelés tous les ans. Ils sont rééligibles.

La décision du Conseil est, par les soins de son Président, soumise à la sanction du Ministre de l'Intérieur.

Le Comité de Discipline peut infliger, sans consulter le Conseil—

(1.) Le blâme;

(2.) La suspension du traitement jusqu'à un mois.

22. Les peines disciplinaires sont—

(1.) Le blâme;

(2.) La suspension de traitement depuis huit jours jusqu'à trois mois;

(3.) Le déplacement sans indemnité;

(4.) La révocation.

Le tout sans préjudice des poursuites à exercer pour les crimes ou délits de droit commun.

23. Les droits sanitaires et quaranténaires sont perçus par les agents qui relèvent du Service Sanitaire, Maritime, et Quarantenaire.

Ceux-ci se conforment, en ce qui concerne la comptabilité et la tenue des livres, aux règlements généraux établis par le Ministère des Finances.

Les agents comptables adressent leur comptabilité et le produit de leurs perceptions à la Présidence du Conseil.

L'agent comptable, Chef du Bureau Centrale de la comptabilité, leur en donne décharge sur la visa du Président du Conseil.

24. Le Conseil Sanitaire, Maritime, et Quarantenaire dispose de ses finances.

L'administration des recettes et des dépenses est confiée à un Comité composé du Président, de l'Inspecteur-Général du Service Sanitaire, Maritime, et Quarantenaire, et de trois Délégués des Puissances élus par le Conseil. Il prend le titre de "Comité des Finances." Les trois Délégués des Puissances sont renouvelés tous les ans. Ils sont rééligibles.

Ce Comité fixe, sauf ratification par le Conseil, le traitement des employés de tout grade; il décide les dépenses fixes et les dépenses imprévues. Tous les trois mois, dans une séance spéciale, il fait au Conseil un rapport détaillé de sa gestion. Dans les trois mois qui suivront l'expiration de l'année budgétaire, le Conseil, sur la proposition du Comité, arrête le bilan définitif et le transmet, par l'entremise de son Président, au Ministre de l'Intérieur.

Le Conseil prépare le Budget de ses recettes et celui de ses dépenses. Ce Budget sera arrêté par le Conseil des Ministres, en même temps que le Budget Général de l'État, à titre de Budget annexe. Dans le cas où le chiffre des dépenses excéderait le chiffre

des recettes, le déficit sera comblé par les ressources générales de l'État. Toutefois, le Conseil devra étudier sans retard les moyens d'équilibrer les recettes et les dépenses. Ses propositions seront, par les soins du Président, transmises au Ministre de l'Intérieur. L'excédent des recettes, s'il en existe, restera à la caisse du Conseil Sanitaire, Maritime, et Quarantenaire; il sera, après décision du Conseil Sanitaire, ratifiée par le Conseil des Ministres, affecté exclusivement à la création d'un fonds de réserve destiné à faire face aux besoins imprévus.

25. Le Président est tenu d'ordonner que le vote aura lieu au scrutin secret, toutes les fois que trois membres du Conseil en font la demande. La vote au scrutin secret est obligatoire toutes les fois qu'il s'agit du choix des Délégués des Puissances pour faire partie du Comité de Discipline ou du Comité des Finances, et lorsqu'il s'agit de nomination, révocation, mutation ou avancement dans le personnel.

26. Les Gouverneurs, Préfets de Police, et Moudirs sont responsables, en ce qui les concerne, de l'exécution des Règlements Sanitaires. Ils doivent, ainsi que toutes les autorités civiles et militaires, donner leur concours lorsqu'ils en sont légalement requis par les agents du Service Sanitaire, Maritime, et Quarantenaire, pour assurer la prompte exécution des mesures prises dans l'intérêt de la santé publique.

27. Tous Décrets et Règlements antérieurs sont abrogés en ce qu'ils ont de contraire aux dispositions qui précèdent.

28. Notre Ministre de l'Intérieur est chargé de l'exécution du présent Décret, qui ne deviendra exécutoire qu'à partir du 1^{er} Novembre, 1893.

Fait au Palais de Ramleh, le 19 Juin, 1893.

ABBAS HILMI.

Par le Khédive :

RIAZ, *Président du Conseil, Ministre de l'Intérieur.*

*DECRET ÉGYPTIEN approuvant la Convention entre le
Ministre des Finances et la Société de la Raffinerie d'Égypte.
—Alexandrie, le 13 Juillet, 1893.*

Nous, Régent,

En vertu des pouvoirs qui nous sont conférés par le Re-crit du
19 Zil-Hedjeh, 1310 (3 Juillet, 1893);

Vu les Décrets des 6 Avril, 1881, 4 Juin, 1885, et 21 Juin,
1887;*

Vu l'avis conforme des Commissaires-Directeurs de la Caisse de
la Dette Publique;

Sur la proposition du Ministre des Finances et l'avis conforme du
Conseil des Ministres;

Décrétons :

ART. 1^{er}. Est approuvée la Convention annexée au présent
Décret, intervenue entre le Ministre des Finances et la Société de la
Raffinerie d'Égypte, pour être substituée à la Convention visée à
l'Article 2 du Décret du 21 Juin, 1887,* laquelle prendra fin le
31 Octobre, 1893.

2. Les sommes dues par la Société de la Raffinerie d'Égypte ou
de ses ayants droit, à titre de taxe sur la consommation, seront
versées à la Caisse de la Dette Publique et feront partie des revenus
affectés, en compensation de la diminution des droits d'importation
sur les sucres étrangers.

3. Le Ministre des Finances est chargé de l'exécution du présent
Décret.

Fait au Palais de Ras-el-Tin, le 13 Juillet, 1893.

RIAZ.

BOUTROS GHALI, *Ministre des Finances.*

ANNEXE.

*Convention avec la Société de la Raffinerie d'Égypte.—Signée à Alexandrie,
le 13 Juillet, 1893.*

ENTRE son Excellence Boutros Pacha Ghali, Ministre des Finances, au nom
et comme représentant le Gouvernement Égyptien, d'une part; et M. Félix
Suarès, sujet Italien, demeurant au Caire, agissant au nom et comme Président
du Conseil d'Administration de la "Société de la Raffinerie d'Égypte," dûment
autorisé aux fins des présentes, suivant délibération du Conseil d'Administration,
en date du 19 Juin, 1893, dont copie certifiée conforme est et demeure annexée
aux présentes, d'autre part;

Il a été convenu que la Convention du 9 Juin, 1887, annexée au Décret Khédivial en date du 21 Juin, 1887,* est résiliée d'un commun accord, à partir du 1^{er} Novembre, 1893, et remplacée à cette date par la Convention suivante:—

ART. I. Tous les sucres raffinés sortant des usines de la Société de la Raffinerie d'Égypte à destination de l'étranger devront être accompagnés, à leur sortie des usines, d'une attestation à présenter aux autorités douanières et devront payer les droits d'exportation réglementaires.

Tous les sucres raffinés à destination de l'intérieur, sortant des mêmes usines, seront soumis au paiement du droit de consommation (octroi) établi par l'Article ci-après.

II. Pendant une période de deux années, à dater du 1^{er} Novembre, 1893, la Société de la Raffinerie d'Égypte est exempte du paiement du droit de consommation (octroi).

A partir du 1^{er} Novembre, 1895, et jusqu'au 31 Octobre, 1896, le droit de consommation (octroi) des dits sucres raffinés à destination de l'intérieur sera dû à raison du quart du droit actuel d'octroi (9½ pour cent *ad valorem*), soit 2½ pour cent sur leur valeur totale, calculée d'après la moyenne mensuelle du prix des sucres raffinés sur la place de Marseille.

A partir du 1^{er} Novembre, 1896, ce droit de consommation sera dû à raison de la moitié de 9½ pour cent soit 4½ pour cent sur leur valeur totale, calculée comme il est dit ci-dessus.

III Si le droit d'octroi tel qu'il est fixé actuellement en Égypte (9½ pour cent) venait à être abaissé, la Société de la Raffinerie aura la faculté d'acquitter le droit de consommation à raison de 75 pour cent du nouveau Tarif sur la valeur totale des sucres raffinés à destination de l'intérieur, calculée comme il est dit à l'Article précédent.

IV. Le paiement du droit de consommation spécifié aux Articles précédents sera effectué semestriellement par la Société de la Raffinerie d'Égypte, savoir: en Mai et Novembre de chaque année.

V. Le Gouvernement pourra à toute époque faire procéder par des Délégués à la vérification des livres et écritures de la Société; celle-ci est tenue de se soumettre à cette vérification et de fournir aux Délégués du Gouvernement tous les éléments de contrôle qu'ils croiraient devoir exiger.

Tout refus de la part de la Société de se soumettre à ces prescriptions donne droit au Ministère des Finances de prononcer la déchéance du bénéfice de la présente Convention.

VI. En outre, si pendant deux années consécutives de la durée de la Société la quantité des sucres raffinés sortant de ses usines à destination de l'intérieur venait à être inférieure à 180.000 kantars chaque année, la Société serait par ce fait même formellement déchuée des bénéfices de la présente Convention, qui deviendrait nulle et se trouverait résiliée de plein droit.

VII. Le Gouvernement se réserve la faculté d'octroyer à quiconque en fera la demande les mêmes avantages accordés par la présente Convention à la Société de la Raffinerie d'Égypte.

VIII. La Société de la Raffinerie d'Égypte est autorisée à céder tous les droits, avantages et obligations quelconques résultant pour elle de la présente Convention à la Société anonyme Égyptienne "Sucrerie et Raffinerie d'Égypte," actuellement en formation, et dont les Statuts sont d'ores et déjà déposés, pour approbation, près du Gouvernement.

La Société "Sucrerie et Raffinerie d'Égypte" se trouvera ainsi substituée purement et simplement, pour tous les effets de la présente Convention (droits et obligations quelconques), à la Société de la Raffinerie d'Égypte, mais elle ne pourra, à son tour, céder à qui que ce soit, société ou particulier, le bénéfice de la présente Convention sans le consentement écrit du Gouvernement, de même que cette Convention sera résiliée de plein droit, soit à l'expiration légale de la Société, soit en cas de liquidation volontaire ou judiciaire, de faillite ou de dissolution pour une cause quelconque, soit enfin dans les cas prévus par les Articles V et VI de la présente Convention.

IX. La présente Convention ne deviendra définitive qu'après avoir été approuvée par un Décret Khédivial.

Fait en double à Alexandrie, le 13 Juillet, 1893.

BOUTROS GHALI, *Ministre des Finances.*

FÉLIX SUARÈS, *Président du Conseil d'Administration
de la Société Anonyme de la Raffinerie d'Égypte.*

DÉCRET du Khédivé d'Égypte, portant Conditions de Nomination des Magistrats et Fonctionnaires des Tribunaux Indigènes.—Le Caire, le 4 Novembre, 1893.

Nous, Khédivé d'Égypte,

Vu le Décret du 9 Chaban, 1300 (14 Juin, 1883),* portant réorganisation des Tribunaux indigènes ;

Vu le Décret du 17 Rabi-el-Tani, 1301 (14 Février, 1884), arrêtant le Règlement Général Judiciaire ;

Sur la proposition de notre Ministre de la Justice et l'avis conforme du notre Conseil des Ministres ;

Décrétons :

CHAPITRE I.—*Conditions de Nomination des Magistrats et Fonctionnaires des Tribunaux Indigènes.*

Section 1.—*Des Magistrats.*

ART. 1^{er}. Nul ne pourra être nommé Magistrat dans les Tribunaux et parquets indigènes, s'il n'est porteur d'un diplôme d'études complètes de droit délivré par l'École Khédiviale de droit du Caire ou par une faculté d'Europe. Il faut, en outre, dans ce second cas, être porteur d'un diplôme de baccalauréat Universitaire ou d'un certificat d'études secondaires complètes délivré par le Gouvernement Égyptien et avoir subi avec succès devant une Commission nommée par le Ministre de la Justice un examen en langue Arabe sur les codes Égyptiens.

* Vol. LXXIV, page 1104.

Pendant la période de trois ans qui suivra la date de sa première présentation à cet examen, le candidat qui aura échoué pourra se présenter à des intervalles de six mois.

Passé ce délai il ne sera plus admissible.

A titre égal, la préférence sera donnée au candidat qui aura passé un examen sur les principes du droit Musulman (Mouamalah).

2. Outre les conditions exigées par l'Article précédent et le Règlement d'Organisation Judiciaire, il faut—

(1.) Pour être nommé Substitut-Adjoint :

Avoir été attaché pendant un an à un greffe de parquet ou de Tribunal, ou avoir pendant deux ans suivi un barreau Égyptien ou rempli pendant ce temps, dans une administration de l'État, des fonctions exigeant des connaissances juridiques.

(2.) Pour être nommé Substitut Effectif :

Avoir pendant deux ans exercé les fonctions de substitut-adjoint.

(3.) Pour être nommé Juge :

Avoir pendant un an exercé les fonctions de substitut effectif.

(4.) Pour être nommé Président, Vice-Président, ou Chef de Parquet :

Avoir trois ans de fonctions à partir de la date de nomination comme substitut effectif.

(5.) Pour être nommé Conseiller à la Cour d'Appel :

Avoir exercé les fonctions de Chef de Parquet ou de Juge de Première Classe comme il sera déterminé ci-après.

3. Le Vice-Président de la Cour sera choisi parmi les Conseillers et les Présidents des Tribunaux du Caire et d'Alexandrie en fonction depuis plus de trois ans.

Le Président de la Cour sera choisi parmi les Conseillers ayant au moins cinq ans d'ancienneté.

Section 2.—*Des Fonctionnaires des Tribunaux.*

4. Les candidats aux fonctions judiciaires nouvellement admis au service du Gouvernement, ainsi que les pensionnaires et les anciens employés repris au service, devront produire un certificat d'aptitudes physiques délivré par la Commission Médicale du Caire ou par celle d'Alexandrie, un certificat de bonne vie et mœurs et être Égyptiens.

Sont considérés comme Égyptiens les sujets Ottomans nés en Égypte et y ayant leur résidence habituelle, ainsi que les sujets Ottomans qui y possèdent leur résidence habituelle depuis au moins quinze ans.

5. Sont considérés comme Commis-Greffiers les employés des

Tribunaux dont la moyenne du traitement mensuel est de 6 livres au moins.

Les employés du parquet sont dans les mêmes conditions considérés comme fonctionnaires.

6. Outre les conditions requises par le Règlement Général d'Organisation Judiciaire et le Règlement Intérieur des Tribunaux, il faut—

(1.) Pour être nommé Huissier :

Être porteur d'un certificat d'études primaires délivré par le Gouvernement Égyptien, ou avoir fait un stage de deux ans dans un bureau d'huissiers.

(2.) Pour être nommé Commis-Greffier, Interprète ou Fonctionnaire du Parquet :

Être porteur d'un certificat d'études complètes secondaires délivré par le Gouvernement Égyptien, ou avoir pendant trois ans été employé dans un Tribunal ou dans une autre administration de l'État.

CHAPITRE II.—*Classement et Avancement.*

Section 1.—*Des Magistrats.*

7. Les Substituts-Adjoints reçoivent un traitement annuel de £ E. 120 (£ E. 10 par mois).

Les Substituts Effectifs sont divisés en quatre classes auxquelles il est alloué des traitements annuels de £ E. 180, £ E. 240, £ E. 300, et £ E. 360 (£ E. 15, £ E. 20, £ E. 25, et £ E. 30 par mois).

Les Chefs de Parquet, non compris ceux près les Tribunaux du Caire et d'Alexandrie, sont divisés en deux classes, auxquelles il est alloué des traitements annuels de £ E. 420 et £ E. 480 (£ E. 35 et £ E. 40 par mois).

Les Chefs de Parquet près les Tribunaux du Caire et d'Alexandrie reçoivent un traitement annuel de £ E. 600 (£ E. 50 par mois).

8. Les Juges des Tribunaux sont divisés en cinq classes, auxquelles il est alloué des traitements annuels de £ E. 240, £ E. 300, £ E. 360, £ E. 420, et £ E. 480 (£ E. 20, £ E. 25, £ E. 30, £ E. 35, et £ E. 40 par mois).

Les Vice-Présidents des Tribunaux de Première Instance, non compris ceux du Caire et d'Alexandrie, sont divisés en deux classes, auxquelles il est alloué des traitements annuels de £ E. 480 et £ E. 540 (£ E. 40 et £ E. 45 par mois).

Les Vice-Présidents des Tribunaux du Caire et d'Alexandrie reçoivent un traitement annuel de £ E. 600 (£ E. 50 par mois).

Les Présidents des Tribunaux de Première Instance, non compris ceux du Caire et d'Alexandrie, sont divisés en deux classes, aux-

quelles il est alloué des traitements annuels de £ E. 540 et £ E. 600 (£ E. 45 et £ E. 50 par mois).

Les Présidents des Tribunaux du Caire et d'Alexandrie reçoivent un traitement annuel de £ E. 720 (£ E. 60 par mois).

9. Les Conseillers à la Cour d'Appel sont divisés en deux classes, auxquelles il est alloué des traitements annuels de £ E. 660 et £ E. 720 (£ E. 55 et £ E. 60 par mois).

10. Les fonctions de Président, Vice-Président, et Chef de Parquet près les Tribunaux du Caire et d'Alexandrie sont considérées comme formant des fonctions distinctes de celles des autres Présidents, Vice-Présidents, et Chefs de Parquets.

11. L'avancement d'une classe à une autre d'une même fonction et la promotion d'une fonction à une autre auront lieu en tenant compte du mérite et de l'ancienneté des candidats.

12. Toute personne nommée, tout Magistrat promu à une fonction dans la Magistrature, sera placé dans la classe inférieure de cette fonction.

Toutefois les Juges promus à des fonctions dans le parquet et les membres du parquet promus à des fonctions dans la Magistrature assise, ainsi que les Présidents des Tribunaux du Caire et d'Alexandrie nommés Conseillers, seront placés dans la classe dont le traitement est égal ou immédiatement supérieur à celui qu'ils possédaient.

13. Le nombre de Magistrats de chaque fonction et de chaque classe est fixé d'après le Tableau annexé au présent Règlement.

14. Les Magistrats actuellement en fonction seront placés par ordre d'ancienneté dans la classe de leur fonction dont le traitement est égal ou immédiatement supérieur à celui qu'ils possèdent.

Cette ancienneté se déterminera, entre Magistrats touchant actuellement le même traitement, à partir de la date à laquelle ils ont obtenu leur dernier traitement.

15. Si le traitement fixé par le présent Règlement pour leur fonction ou pour la classe où ils seront placés est supérieur à leur traitement actuel, ils obtiendront l'augmentation par voie d'ancienneté, et à mesure que des économies réalisées au Budget sur le chiffre prévu pour l'ensemble des traitements de leur fonction permettront de le faire.

16. Immédiatement après la promulgation du présent Règlement, le Ministre de la Justice dressera une liste de tous les Magistrats en fonction, en indiquant la date de leur nomination dans la fonction qu'ils occupent, la classe dans laquelle ils sont placés et leur rang d'ancienneté par application de l'Article 14 ci-dessus.

Section 2.—Des Fonctionnaires.

17. Les fonctionnaires des Tribunaux et des parquets sont divisés en classes d'après le cadre actuellement en vigueur.

18. Leur première nomination sera faite dans la classe inférieure de la fonction avec le minimum du traitement prévu par les cadres.

19. Cependant des transferts pourront être effectués entre les fonctionnaires des Tribunaux et du parquet.

Ils seront, dans ce cas, nommés dans la classe dont le traitement est égal ou immédiatement supérieur à celui qu'ils possédaient.

20. Les fonctionnaires des Tribunaux et des parquets ne pourront être promus d'une classe à une autre que s'ils comptent trois ans d'ancienneté dans leur classe.

Les augmentations de traitement dans la même classe ne pourront leur être accordées que le 1^{er} Janvier de chaque année.

CHAPITRE III.—Dispositions Finales.

21. A titre exceptionnel le Ministre de la Justice pourra, après approbation du Conseil des Ministres, faire des nominations, accorder des promotions et des augmentations de traitements en dehors des règles prévues au présent Règlement, dans la proportion d'une vacance sur trois, tout en se conformant aux dispositions du Décret de réorganisation des Tribunaux indigènes.

22. Toutes les dispositions contraires au présent Règlement sont abrogées.

23. Notre Ministre de la Justice est chargé de l'exécution du présent Décret, qui entrera en vigueur cinq jours après sa publication au "Journal Officiel."

Fait au Palais d'Abdine, le 25 Rabi-el-Tani, 1311 (4 Novembre, 1893).

ABBAS HILMI.

Par le Khédivé:

RIAZ, *Président du Conseil des Ministres.*

AHMED MAZLOUM, *Ministre de la Justice.*

Tableau indiquant le nombre des Magistrats de chaque fonction et de chaque classe avec le traitement qui leur est alloué, dressé en conformité de l'Article 13 du Règlement déterminant les conditions de Nomination, le Classement, et l'Avancement des Fonctionnaires des Tribunaux Indigènes.

I.—MAGISTRATURE ASSISE.

(A.)—Tribunal de Première Instance.

88 Juges—				£ E.
27 de 5 ^e classe, traitement £ E. 240 (20 par mois)	..	..	..	6,480
25 de 4 ^e classe, traitement £ E. 300 (25 par mois)	..	..	..	7,500
14 de 3 ^e classe, traitement £ E. 360 (30 par mois)	..	..	..	5,040
14 de 2 ^e classe, traitement £ E. 420 (35 par mois)	..	..	..	5,880
8 de 1 ^{re} classe, traitement £ E. 480 (40 par mois)	..	..	..	3,840
				<hr/>
				28,740
5 Vice-Présidents—				
3 de 2 ^e classe, traitement £ E. 480 (40 par mois)	..	..	..	1,440
2 de 1 ^{re} classe, traitement £ E. 540 (45 par mois)	..	..	..	1,060
				<hr/>
				2,500
Vice-Présidents du Caire et d'Alexandrie—				
2 au même traitement, £ E. 600 (50 par mois)	..	..	..	1,200
				<hr/>
				1,200
5 Présidents—				
3 de 2 ^e classe, traitement £ E. 540 (45 par mois)	..	..	..	1,620
2 de 1 ^{re} classe, traitement £ E. 600 (50 par mois)	..	..	..	1,200
				<hr/>
				2,820
Présidents du Caire et d'Alexandrie—				
2 au même traitement, £ E. 720 (60 par mois)	..	..	..	1,440
				<hr/>
				1,440
Total pour les Tribunaux de Première Instance, £ E. 36,720.				

(B.)—Cour d'Appel.

12 Conseillers—				£ E.
6 de 2 ^e classe, traitement £ E. 660 (55 par mois)	..	..	..	3,960
6 de 1 ^{re} classe, traitement £ E. 720 (60 par mois)	..	..	..	4,320
				<hr/>
				8,280

Total pour la Cour d'Appel, £ E. 8,280.

II.—PARQUET.

Substituts-Adjoints—				£ E.
23 au même traitement, £ E. 120 (10 par mois)	..	..	..	2,760
				2,760
51 Substituts Effectifs—				
23 de 4 ^e classe, traitement £ E. 180 (15 par mois)	..	..	..	4,140
14 de 3 ^e classe, traitement £ E. 240 (20 par mois)	..	..	..	3,360
7 de 2 ^e classe, traitement £ E. 300 (25 par mois)	..	..	..	2,100
7 de 1 ^{re} classe, traitement £ E. 360 (30 par mois)	..	..	..	2,520
				12,120
6 Chefs de Parquet—				
3 de 2 ^e classe, traitement £ E. 420 (35 par mois)	..	..	..	1,260
3 de 1 ^{re} classe, traitement £ E. 480 (40 par mois)	..	..	..	1,440
				2,700
Chefs de Parquet du Caire et d'Alexandrie—				
2 au même traitement, £ E. 600 (50 par mois)	..	..	..	1,200
				1,200

Total pour le Parquet, £ E. 18,780.

*DECRET du Khédive d'Égypte, interdisant le Transit des
Tombacs.—Le Caire, le 6 Janvier, 1894.*

Nous, Khédive d'Égypte,

Vu les Décrets en date des 23 Avril, 1887, et 25 Juin, 1890,*
constituant en monopole au profit de l'État, l'importation des
tombacs de toutes provenances ;

Sur la proposition de notre Ministre des Finances et l'avis con-
forme de notre Conseil des Ministres ;

Décrétons :

ART. 1^{er}. Les tombacs de toutes provenances ne seront plus
admis à transiter.

2. Toutefois, il pourra être délivré par la Direction Générale des
Douanes des autorisations spéciales pour l'entrepôt, dans les magasins
de la Douane à Alexandrie exclusivement, des tombacs arrivant par
voie de mer et destinés à être réexportés par voie de mer.

3. L'Article 4 du Décret du 23 Avril, 1887, et l'Article 4 du
Décret du 25 Juin, 1890, sont abrogés.

4. Le présent Décret entrera en vigueur quinze jours après sa
publication dans les Journaux Officiels.

* Vol. LXXXIII, page 800.

5. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais d'Abdine, le 6 Janvier, 1894.

ABBAS HILMI

Par le Khédive :

RIAZ, *Président du Conseil des Ministres.*

BOUTROS GHALI, *Ministre des Finances.*

CONVENTION between the United States of America and the Republic of the Equator, providing for the Submission to Arbitration of the Claim of Julio R. Santos against the Government of Equator.—Signed at Quito, February 28, 1893.*

[Ratifications exchanged at Washington, November 6, 1894.]

THE United States of America and the Republic of Equator, being desirous of removing all questions of difference between them and of maintaining their good relations in a manner consonant to their just interests and dignity, have decided to conclude a Convention, and for that purpose have named as their respective Plenipotentiaries, to wit :

The President of the United States, Rowland Blennerhasset Mahany, Envoy Extraordinary and Minister Plenipotentiary of the United States to Equator ; and

The President of Equator, Honorato Vasquez, Plenipotentiary *ad hoc* of that Republic ;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. The two Governments agree to refer to the decision of an Arbitrator, to be designated in the manner hereinafter provided, the claim presented by the Government of the United States against that of the Republic of Equator in behalf of Julio R. Santos, a native of Equator and naturalized as a citizen of the United States in the year 1874 ; the said claim being for injuries to his person and property, growing out of his arrest and imprisonment by the

* The Award of the Arbitrator appointed under the provisions of this Convention was signed on the 22nd September, 1896, and will be given in a subsequent volume.

authorities of Equator, and other acts of the said authorities in the years 1884 and 1885.

II.—(1.) In order to secure the services of a competent and impartial Arbitrator, it is agreed that the Government of Her Britannic Majesty be requested to authorize its Diplomatic Representative in Quito to act in that capacity; or in case of his absence from the country, that this permission be given his successor.

(2.) In case of the failure of the Diplomatic Representative of Her Britannic Majesty's Government, or of the successor of said Representative, to act as such Arbitrator, then the said Representative or his successor be requested to name an Arbitrator who shall not be a citizen either of the United States or of Equator.

(3.) Any vacancy in the office of Arbitrator to be filled in the same manner as the original appointment.

III.—(1.) As soon as may be after the designation of the Arbitrator, not to exceed the period of ninety days, the written or printed case of each of the Contracting Parties, accompanied by the documents, the official correspondence and other evidence on which each relies, shall be delivered to the Arbitrator and to the Agent of the other party; and within ninety days after such delivery and exchange of the cases of the two parties, either party may in like manner deliver to the Arbitrator and to the Agent of the other side, a counter-case to the documents and evidence presented by the other party, with such written or printed argument as may by each be deemed proper. And each Government shall furnish upon the request of the other or its Agent such papers in its possession as may be deemed important to the just determination of the claim.

(2.) Within the last-named period of ninety days the Arbitrator may also call for such evidence as he may deem proper, to be furnished within the same period, and shall also receive such oral and documentary evidence as each Government may offer. Each Government shall also furnish upon the requisition of the Arbitrator all documents in its possession which may be deemed by him as material to the just determination of the claim.

(3.) Within sixty days after the last-mentioned period of ninety days the Arbitrator shall render his opinions and decisions in writing, and certify the same to the two Governments. These decisions and opinions shall embrace the following points, to wit:

(a.) Whether, according to the evidence adduced, Julio R. Santos, by his return to and residence in Equator, did or did not, under the provisions of the Treaty of Naturalization between the two Governments, concluded the 6th May, 1872,* forfeit his

* Vol. LXV, page 1817.

United States' citizenship as to Equator and resume the obligations of the latter country.

(b.) If he did not so forfeit his United States' citizenship, whether or not it was shown by the evidence adduced, that Julio R. Santos has been guilty of such acts of unfriendliness and hostility to the Government of Equator as, under the law of nations, deprived him of the consideration and protection due to a neutral citizen of a friendly nation.

IV.—(1.) In case either one or the other of the points recited in clauses (a) and (b) of the last preceding Article should be decided in favour of the contention of the Government of Equator, said Government shall be held to no further responsibility to that of the United States for arrest, imprisonment, and other acts of the authorities of Equator towards Julio R. Santos, during the years 1884 and 1885.

(2.) On the other hand, should the Arbitrator decide the above-recited points against the contention of Equator, he shall, after a careful examination of the evidence touching the injuries and losses to the person and property of the said Santos which shall have been laid before him concerning the arrest and imprisonment of the said Santos and other acts of the authorities of Equator towards him during the years 1884 and 1885, award such damages for said injuries and losses as may be just and equitable, which shall be certified to the two Governments, and shall be final and conclusive.

V.—(1.) Both Governments agree to treat the decisions of the Arbitrator and his Award as final and conclusive.

(2.) Should a pecuniary indemnity be awarded, it shall be specified in the gold coin of the United States, and shall be paid to the Government thereof within sixty days after the beginning of the first Session of the Congress of Equator, held subsequent to the rendition of the Award, and the said Award shall bear interest at 6 per cent. from the date of its rendition.

(3.) The Government of Equator, however, reserves the right to pay, before the expiration of the above stated time, the whole amount to the Government of the United States, with interest at 6 per cent. from the date of the announcement of the Award till the date of the payment thereof.

VI.—(1.) Each Government shall pay its own Agent and Counsel, if any, for the expense of preparing and submitting its case to the Arbitrator.

(2.) All other expenses, including reasonable compensation to the Secretary, if any, of the Arbitrator, shall be paid upon the certificates of the Arbitrator by the two Governments in equal moieties.

VII. The present Convention shall be ratified by the President of the United States by and with the advice and consent of the Senate thereof, by the Congress of Equator and by the President thereof, and the ratifications exchanged at Washington as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this Convention in duplicate, in the city of Quito, this 28th day of February, in the year of our Lord 1893.

(L.S.) ROWLAND BLENNERHASSET MAHANY.

(L.S.) HONORATO VASQUEZ.

CORRESPONDENCE between the Governments of Germany and the United States, on the subject of the Imposition of Countervailing Duties on Bounty-fed Sugar.—July–December 1894.

Memorandum.—Additional Duty on German Sugar.

Imperial German Embassy, Washington,

July 16, 1894.

(Translation.)

WITH regard to the levying of an identical *ad valorem* duty of 40 per cent. on sugar from all countries with the addition of $\frac{1}{8}$ th per cent per lb. on sugar above No. 16 Dutch standard, the German Government will refrain from making any observations, although German sugar, since it is of better quality than the inferior grades of sugar from the competing countries, is thereby placed at a disadvantage, as compared with those inferior grades. The German Government must, however, regard the discrimination against German goods by levying a duty thereon of $\frac{1}{10}$ th of a cent additional per lb. as an injury to the German sugar trade, which cannot be reconciled with the Treaty stipulations now in force between Germany and the United States. The payment of a bounty is a purely domestic matter, and is not to be considered in connection with the establishment of duties between States, which, like Germany and the United States, sustain the relation of most favoured nations towards each other. The United States might, for instance, with the same reason assert that German manufacturers in any particular branch of industry paid lower taxes than elsewhere, and then, in order to bring about a so-called equalization, levy a discriminating duty on the German product concerned on its importation into an American port. It is quite evident that such a view of the case would render the most-favoured-nation clause altogether illusory.

While the Imperial Government cannot thus do otherwise than

regard the addition of $\frac{1}{10}$ th of a cent per lb. as being at variance with the Treaty, the German sugar producers declare, on the basis of accurate computations made by them, that this addition would, in fact, drive out German productions from the American market. The addition, moreover, falls more heavily upon the sugar industry of Germany than it does upon that of other bounty-paying countries, since the German bounty, which, in the year 1897, is to be discontinued entirely, is by no means as high as those of Austria and France, and does not even approximately compensate the exporter for the loss entailed upon him by the additional duty.

The excitement which prevails in German agricultural and manufacturing circles on account of this inequitable treatment of a German production is the more vehement and the less easily resisted, inasmuch as it is generally believed that the United States, in the Agreement of the 22nd August, guaranteed exemption to Germany from the duty on sugar, in return for the concession of the conventional duties on American agricultural products and the removal of the restrictions on the importation of swine.

However fully the Imperial Government is convinced that the passage of the Resolution fixing the duty on sugar, which has been adopted by the Senate, is not to be considered as an act unfriendly to Germany, yet it is so considered in many quarters. The Imperial Government is consequently at present unable to say whether it will be possible for it, in view of the increasing agitation on account of the proposed measure, to restrain the interested parties from demanding retaliatory action, which the Imperial Government, owing to the friendliness and fairness that characterize its intercourse with the United States, desires to avoid.

Baron Saurma to Mr. Gresham.

(Translation.)

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

August 28, 1894.

I HAVE the honour to communicate to your Excellency the following in pursuance of instructions received from His Majesty the German Emperor, King of Prussia:—

In the Act which took effect to-day, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," there appears in Schedule (E), 182 $\frac{1}{2}$, the provision that sugar from countries that pay an export bounty is liable to an additional duty of $\frac{1}{10}$ th of a cent per lb.

In the course of the negotiations which took place in the Congress of the United States of America in connection with the

Tariff question the Imperial Government took the liberty to point to the fact that such a measure could not be reconciled with the most-favoured-nation clause which governs the economic relations of the two countries, but that it was rather a differentiation whereby the exportation of German sugar to the United States of America was more unfavourably treated than that of several other European countries.

The expectation that (as might have been anticipated from the long standing relations of amity between the two nations) these considerations would not be without influence upon the decisions of the legislative bodies of the United States has, unfortunately, not been realized.

The Government of His Majesty the Emperor is consequently once more compelled to repeat that, after most careful consideration, it is convinced that the levying of an additional duty on German sugar is in harmony neither with existing stipulations nor with those tendencies which the exchange of notes of the 22nd August, 1891, called forth.

The granting of an export bounty on sugar is a domestic affair of Germany.

An intent not to fulfil its Treaty stipulations based upon the most-favoured-nation clause cannot, therefore, be inferred from this by any other country.

It is needless to dwell upon the fact that the view which has been manifested by the legislative bodies of the United States would render the effects of the most-favoured-nation clause illusory, and that it would expose the Contracting Parties to the adoption of arbitrary duties, which it is the object of Treaties containing a most-favoured-nation clause to prevent.

The Imperial Government feels conscious that it has always conscientiously fulfilled the duties rendered incumbent upon it by the most-favoured-nation clause, and it consequently deems itself authorized to expect similar action on the part of the United States of America.

The Government of His Majesty the Emperor is consequently compelled to protest against the discriminating provisions of the Act of the 28th August, 1894.

I avail, &c.

W. Q. Gresham, Esq.

SAURMA.

Mr. Gresham to Baron Saurma.

*Department of State, Washington,
August 29, 1894.*

EXCELLENCY,

I HAVE the honour to acknowledge the receipt of your note of yesterday in relation to the provisions of Schedule (E), 182½, of the

new Tariff Act, touching the levying in certain cases of an additional duty of $\frac{1}{10}$ th of a cent per lb. on sugar from countries that pay a bounty thereon.

As soon as I have opportunity to give due consideration to the important question and take the President's direction thereon, I will do myself the honour to reply to your note.

Accept, &c.,

Baron Saurma.

W. Q. GRESHAM.

Mr. Gresham to Baron Saurma.

Department of State, Washington,

December 7, 1894.

EXCELLENCY,

I HAVE the honour to inclose for your information copy of a communication which I addressed to the President on the questions raised by your protest of the 28th August against the additional duty of $\frac{1}{10}$ th of a cent a lb. imposed by our Tariff Act of that date on sugars which are imported from or are the product of a country that pays a bounty on the exportation of sugars; also, copy of the President's Annual Message to Congress,* from which I quote the following:—

“The German Government has protested against that provision of the Customs Tariff Act which imposes a discriminating duty of $\frac{1}{10}$ th of 1 cent a lb. on sugars coming from countries paying an export bounty thereon, claiming that the exaction of such duty is in contravention of Articles V and IX of the Treaty of 1828† with Prussia.

“In the interests of commerce of both countries, and to avoid even the accusation of Treaty violation, I recommended the repeal of so much of the statute as imposes that duty, and I invite attention to the accompanying report of the Secretary of State, containing a discussion of the questions raised by the German protest.”

Accept, &c.,

Baron Saurma.

W. Q. GRESHAM.

(Inclosure.)

Department of State, Washington,

October 12, 1894.

THE PRESIDENT,

THE note of the German Ambassador of the 28th August, 1894, protests against the additional duty of $\frac{1}{10}$ th of a cent a lb. imposed by the Tariff Act of that date on sugars which are imported from or are the product of a country that pays a bounty on the exportation of such sugars.

* See page 484.

† Vol. XV, page 874.

The protest is based upon "the fact that such a measure could not be reconciled with the most-favoured-nation clause which governs the economic relations of the two countries," but that it is "rather a differentiation whereby the exportation of German sugar to the United States" is "more unfavourably treated than that of several other European countries." In this relation the German Ambassador says:—

"The granting of an export bounty is a domestic affair of Germany. An intent not to fulfil its Treaty stipulations based upon the most-favoured-nation clause cannot, therefore, be inferred from this by any other country."

He also declares that—

"The view which has been manifested by the legislative bodies of the United States would render the effects of the most-favoured-nation clause illusory, and that it would expose the Contracting Parties to the adoption of arbitrary duties, which it is the object of Treaties containing a most-favoured-nation clause to prevent."

By the Tariff Act of the 1st October, 1890, an additional duty of $\frac{1}{10}$ th of a cent a lb. was imposed on sugars imported from countries that paid a greater bounty on the exportation of refined sugar than was paid on raw sugar. Against this additional duty it does not appear that the German Government protested. The reason, however, why no such protest was made may, perhaps, be discovered by a comparison of the provisions of the two Acts. By the Act of 1890 the additional duty was imposed only on sugars above No. 16 Dutch standard, and on them on the conditions above stated. By the Act of 1894 the additional duty is imposed on all sugars, whether above or below that standard.

The value of sugars imported into the United States from the German Empire has been more than \$15,000,000 annually. Of this aggregate, only \$200,000 or \$300,000 worth, or about $\frac{1}{50}$ th, was above No. 16 Dutch standard. The effect, therefore, of the additional duty of $\frac{1}{10}$ th of a cent under the Tariff Act of 1890 was comparatively insignificant.

The effect of the additional duty on all sugars under the Act of 1894 is most important, since, other things being equal, the importer would not take the more highly dutiable German sugars till other sugars not subject to the additional duty had been absorbed. The additional duty under the Act of 1894 affects, therefore, the whole of our large trade in German sugars.

We are now brought to the consideration of the legal aspects of the German Ambassador's protest.

The Treaty between the United States and Prussia of the 1st May, 1828, on which the protest is based, contains two stipulations that bear on the present question.

Article V provides:—

“No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Prussia, and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country.”

Article IX provides:—

“If either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.”

The stipulations of these two Articles place the commercial intercourse of the United States and Prussia, not the entire German Empire, on the most-favoured-nation basis—the first, by providing that the duties shall not be higher than “on the like articles being the produce or manufacture of any other foreign country;” the second, by providing that any particular favour granted by either party “to any other nation” shall “immediately become common to the other party.”

In other words, these stipulations give either party the right, special engagements of reciprocity being excepted, to take the duties levied by the other on articles the produce or manufacture of any other country, and to demand the same treatment for its own product and manufactures. It is obviously no answer to this to say that certain discriminating duties levied by one party on the products or manufactures of the other are not confined to the latter, or to any country by name, but apply equally to all countries that may happen to fall in a certain category. If there is any other country, or if there are other countries, which, either by name or by a general classification, are exempt from the duty (special engagements of reciprocity being excepted), the requirements of the Treaty are not fulfilled. To say that the discrimination is not specifically and explicitly national, or that it applies to more than one country, is a mere argumentative subterfuge, inconsistent with the clear intention of the Treaty.

By Article II of the Commercial Convention between the United States and Great Britain of the 3rd July, 1815,* it is provided, in language almost identical with that in the subsequent Treaty with Prussia, that—

“No higher or other duties shall be imposed on the importation

* Vol. III, page 78.

into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the United States than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country."

By the general Customs Act of 7 William IV, Sec. 60 (1836) it was provided—

"That the duty upon rice, rough or in the husk, imported from the 'West Coast of Africa, shall be, per quarter, one penny.'"

Under this Act the general duty on the same kind of rice, which was commonly called rough rice, or paddy, was 2s. 6d. per bushel. By some members of the British Board of Trade it was argued that the discrimination was not inconsistent with the provisions of the Conventions, since it gave an advantage, not to the produce of any particular country, but only to articles of commerce shipped from a particular place, and treated the product of all countries alike.

Against this contention the United States protested.

In a note to Lord Palmerston of the 1st February, 1841, Mr. Stevenson, the Minister of the United States in London, said:—

"If it be admitted, as it must be, that, by the provisions of the existing law, all rice, wherever produced (and, of course, that of Africa), can be imported into British ports at the low duty of 1d. per quarter, upon what principle can it be maintained that Africa is not thereby placed upon the footing of a favoured nation, with advantages given to her produce which the Treaty intended equally to secure to the United States? Can the stipulations of the Treaty be defeated or evaded by Great Britain allowing Africa to import from her coasts not only her own rice, but that of other nations?"

The result of this protest was that the British Government equalized the duties on rough rice imported from the United States and from the Western Coast of Africa.

The discrimination in the Act of 1894 is even more pointedly at variance with the Treaty stipulations in question than was the discrimination in the British Act of 1836, since it imposes, expressly, an additional duty on an article, as the produce or manufacture, and because it is the produce or manufacture of a country that may happen to fall within a disfavoured category.

It is scarcely necessary to say that the question now under consideration cannot be affected by the form in which the discrimination is created—whether it is created by granting a duty lower than the general duty or by imposing a duty in addition to the general duty. The form in which the discrimination is created is no criterion either of its extent or of its effect. In reality, in the

present case, the discrimination, so far as its effect is now ascertained, would fall on Germany and Austria-Hungary alone. If it fell on only one country, or on three or more, the question of Treaty construction would remain so long as there was any other country that was favoured.

Another question, however, is yet to be considered. Can the payment by a Government of a bounty on the exportation of an article of its produce or manufacture be considered in the light of a discrimination which may warrant another Government in laying on the importation of such article an additional or discriminating duty, in spite of a most-favoured-nation stipulation?

The answer seems to be plain, that the payment by a country of a bounty on the exportation of an article of its produce or manufacture for the purpose of encouraging a domestic industry can no more be considered as a discrimination than can the imposition of a protective or practically prohibitive duty on the importation of an article the produce or manufacture of a foreign country for the same purpose be so considered. The two measures are the same in principle; the question as to which shall be adopted is a matter of domestic policy. It is a matter in respect of which nations, in stipulating for equality of treatment, have preserved liberty of action. The protective duty on importation and the bounty on exportation are alike intended, whatever may be their effect, to create a national advantage in production or in manufacture. As between the two, the bounty is the more favourable to the inhabitants of foreign countries, since it tends to enable them to get cheaper articles at the expense of the bounty-paying Government.

Formerly, the Government of the United States paid a bounty on all exported pickled fish that were derived from the fisheries of the United States (Sec. 2, Act of the 29th July, 1813). This Act was continued in force in 1816, its duration having originally been limited to the period, whatever it might be, covered by the war with Great Britain and a year thereafter (Act of the 9th February, 1816). It remained in force for many years; it seems still to have been in force in 1845. It probably never was imagined that this Act created a discrimination which might expose the United States to retaliatory or discriminating duties at the hands of foreign Governments.

In laying protective duties on foreign articles instead of paying bounties on domestic products, the immediate effect, if not the object, of the law is to curtail importations; so long as the duties imposed are equal on the products or manufactures of all nations, though in practice they may operate most unequally, foreign nations cannot object on legal grounds. They cannot allege discrimina-

tions in the Treaty sense. It is understood, when Treaties against discriminating duties are made, that Governments reserve the right to favour (by duties or by bounties) their own domestic production or manufacture.

The additional duty, therefore, levied by the Act of 1894 on all sugars coming from bounty-paying countries is not responsive to any measure that may be considered as constituting a discrimination by those countries against the production or manufacture of the United States, but is itself a discrimination against the produce or manufacture of such countries. It is an attempt to offset a domestic favour or encouragement to a certain industry by the very means forbidden by the Treaty.

I assume that the German Government does not claim the Treaty affords any just ground for protest against the additional duty on sugars not shown to be the produce or manufacture of Prussia.

Respectfully submitted.

W. Q. GRESHAM.

Baron Saurma to Mr. Gresham.

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

December 8, 1894.

I HAVE had the honour to receive your Excellency's note of the 7th instant, and the accompanying message of the President of the United States to the Congress, and your Excellency's accompanying Report, for which I have to express my best thanks, and to inform you that I will transmit them to the Imperial Government.

Please accept, &c.,

W. Q. Gresham, Esq.

SAURMA.

NOTES exchanged between the Japanese and Hawaiian Governments, respecting the Abandonment by Hawaii of Consular Jurisdiction in Japan.—Tōkiō, January 18, 1893–April 10, 1894.

Mr. Irwin to the Japanese Minister for Foreign Affairs.

SIR,

Hawaiian Legation, Tōkiō, January 18, 1893.

HER Hawaiian Majesty's Government reposing entire confidence in the laws of Japan and the administration of justice in the Empire,
[1893-94. LXXXVI.] 4 G

and desiring to testify anew their sentiments of cordial goodwill and friendship towards the Government of His Majesty the Emperor of Japan, have resolved to abandon the jurisdiction hitherto exercised by them in Japan.

It therefore becomes my agreeable duty to announce to your Excellency, in pursuance of instructions from Her Majesty's Government, and I now have the honour formally to announce, that the Hawaiian Government do fully, completely, and finally abandon and relinquish the jurisdiction acquired by them in respect of Hawaiian subjects and property in Japan, under the Treaty of the 19th August, 1871.*

There are at present from fifteen to twenty Hawaiian subjects residing in this Empire, and in addition about twenty-five subjects of Her Majesty visit Japan annually. Any information in my possession regarding these persons, or any of them, is at all times at your Excellency's disposal.

While this action is taken spontaneously and without condition, as a measure demanded by the situation, I permit myself to express the confident hope entertained by Her Majesty's Government that this step will remove the chief if not the only obstacle standing in the way of the free circulation of Her Majesty's subjects throughout the Empire, for the purposes of business and pleasure in the same manner as is permitted to foreigners in other countries where Consular jurisdiction does not prevail. But in the accomplishment of this logical result of the extinction of Consular jurisdiction, whether by the conclusion of a new Treaty or otherwise, Her Majesty's Government are most happy to consult the convenience and pleasure of His Imperial Majesty's Government.

I avail, &c.,

Mutsu Munemitsu.

R. W. IRWIN.

The Japanese Minister for Foreign Affairs to Mr. Irwin.

Department of Foreign Affairs, Tōkiō.

April 10, 1894.

SIR,

THE note which your Excellency did me the honour of addressing to me on the 18th January of last year, in which you announced on behalf of the Hawaiian Government the abandonment of Hawaiian Consular jurisdiction in Japan, was duly received.

The sentiments of goodwill and friendship which inspired the act of abandonment are highly appreciated by the Imperial Government, but circumstances which it is now unnecessary to recapitulate

* Vol. LXII, page 1012.

have prevented an earlier acknowledgment of your Excellency's note.

Taking note of your Excellency's remark at our recent interview that the present Government of Hawaii regard the act of abandonment of jurisdiction as final, I now beg to announce that in consideration of such abandonment, and having in view as well the fact that the Treaty at present subsisting between our respective Governments guarantees to Japanese subjects in Hawaii the most-favoured-nation treatment, the Imperial Government will in the near future be prepared, in connection with the assumption of jurisdiction, to declare the entire Empire open to the trade, travel, and residence of Hawaiians.

I avail, &c.,

R. W. Irwin, Esq.

MUTSU MUNEMITSU.

TREATY of Commerce and Navigation between Italy and Japan.—Signed at Rome, December 1, 1894.

[Ratifications exchanged at Rome, August 4, 1895.]

HIS Majesty the King of Italy and His Majesty the Emperor of Japan being equally desirous of maintaining the relations of good understanding which happily exist between them by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say :

HIS Majesty the King of Italy, his Excellency Baron Albert Blanc, Senator of the Italian Kingdom, Knight Grand Cross of the Italian Orders of St. Maurice and Lazarus and of the Crown of Italy, His Majesty's Minister for Foreign Affairs ; and

HIS Majesty the Emperor of Japan, M. Takahira Kogoro, Jushii, Fifth Class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Italy ;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part

of the dominions and possessions of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights ; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel, to the possession of goods and effects of any kind, to the succession to personal estate by will or otherwise, and the disposal of property of any sort in any manner whatsoever, which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the Laws, Ordinances, and Regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or subjects or citizens of the most favoured nation.

II. The subjects of either of the Contracting Parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia ; from all contributions imposed in lieu of personal service ; and from all forced loans or military exactions or contributions.

III. There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two High Contracting Parties.

The subjects of each of the High Contracting Parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly or in partnerships with foreigners or native subjects ; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for

residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy respectively the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination, levied in the name, or for the profit, of the Government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation, subject always to the Laws, Ordinances, and Regulations of each country.

IV. The dwellings, manufactories, warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

V. No other or higher duties shall be imposed on the importation into the dominions and possessions of His Royal Italian Majesty of any article the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article the produce or manufacture of the dominions and possessions of His Royal Italian Majesty, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the High Contracting Parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons or of cattle or of plants useful to agriculture.

VI. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting

Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

VII. The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

VIII. All articles which are, or may be, legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in Italian vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and, reciprocally, all articles which are, or may be, legally imported into the ports of the dominions and possessions of His Royal Italian Majesty in Italian vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Italian vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article which is, or may be, legally exported therefrom, whether such exportation shall take place in Japanese or in Italian vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

IX. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name, or for the profit, of the Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of

treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

X. In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

XI. The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances, and Regulations of Japan and of Italy, respectively. It is, however, understood that Japanese subjects in the dominions and possessions of His Royal Italian Majesty, and Italian subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are, or may be, granted under such Laws, Ordinances, and Regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Royal Italian Majesty, and an Italian vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the Laws and Custom-house Regulations of the two countries.

The Japanese Government, however, agrees to allow Italian vessels to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisuminato.

XII. Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting

Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such Consular officer, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of His Royal Italian Majesty shall take place in accordance with the Laws, Ordinances, and Regulations of Italy, and, reciprocally, all measures of salvage relative to Italian vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the Laws, Ordinances, and Regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs, unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

XIII. All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to Italian law, are to be deemed Italian vessels, shall, for the purposes of this Treaty, be deemed Japanese and Italian vessels respectively.

XIV. The Consuls-General, Consuls, Vice-Consuls, and Consular

Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

XV. The High Contracting Parties agree that in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects, or citizens of any other State, shall be extended immediately and unconditionally to the Government, ships, subjects, or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

XVI. Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

XVII. The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

XVIII. His Royal Italian Majesty's Government, so far as they are concerned, give their consent to the following arrangement :—

The several foreign settlements in Japan shall be incorporated with the respective Japanese communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such settlements shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity under which property is now held in the said settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular authorities

mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

XIX. The present Treaty shall, from the date it comes into force, be substituted in place of the Treaty of Amity and Commerce of the 16th day of the 7th month of the 2nd year of Keiou, corresponding to the 25th day of August, 1866,* and the Additional Convention of the same date, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaty, Convention, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Italian Courts in Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by Italian subjects as a part of, or appurtenant to, such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

XX. The present Treaty shall not take effect until the 16th day of the 7th month of the 32nd year of Meiji, the 16th day of July, 1899. It shall come into force one year after His Imperial Japanese Majesty's Government shall have given notice to His Royal Italian Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the 16th day of the 7th month of the 31st year of Meiji, the 16th July, 1898. The Treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

XXI. The present Treaty is written in six copies, viz., two in the Japanese, two in the Italian, and two in the English language, and, in case of dispute, the English text shall be considered as the original one.

XXII. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

* Vol. LIX, page 864.

Done at Rome, this 1st day of the 12th month of the 27th year of Meiji.

(L.S.) A. BLANC.

(L.S.) TAKAHIRA KOGORO.

PROTOCOL.

THE Government of His Majesty the King of Italy and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that, one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by the subjects of His Majesty the King of Italy shall cease to be binding. From the same date the General Statutory Tariff of Japan for the time being in force shall, subject to the provisions of Article XIX of the Treaty of 1866 at present subsisting between the Contracting Parties as long as the said Treaty remains in force, and thereafter subject to the provisions of Articles V and XV of the Treaty signed this day, be applicable to the goods and merchandize being the growth, produce, or manufacture of the dominions and possessions of His Royal Italian Majesty upon importation into Japan. But nothing contained in this Protocol shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

It is, however, understood that in the event the application of the most-favoured-nation principles regarding customs duties, which are guaranteed by the Treaty signed this day, as well as by this Protocol, should be found unsatisfactory in actual practice, the two Governments will agree to substitute Conventional Tariffs in respect of those articles in the export of which they are each especially interested.

In all other respects the stipulations of the existing Treaty and Convention shall be maintained unconditionally until the time when

the Treaty of Commerce and Navigation signed this day comes into force.

2. The Japanese Government, pending the opening of the country to Italian subjects, agrees to extend the existing passport system in such a manner as to allow Italian subjects, on the production of a certificate of recommendation from the Italian Representative in Tôkiô, or from any of His Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Prefecture in which an open port is situated; it being understood that the existing rules and regulations governing Italian subjects who visit the interior of the Empire are to be maintained.

3. The Japanese Government undertakes, before the cessation of Italian Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

4. The present Protocol is written in six copies, viz., two in the Japanese, two in the Italian, and two in the English language, and, in case of dispute, the English text shall be considered as the original one.

5. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Rome, this 1st day of the 12th month of the 27th year of Meiji.

(L.S.) A. BLANC.

(L.S.) TAKAHIRA KOGORO.

Note.—In order to avoid any misunderstanding, paragraph 2, Article 1 of this Protocol, referred to in the notes exchanged this day, must be considered that one beginning with the words "It is, however, understood" and ending with the words "especially interested."

A. BLANC.

TAKAHIRA KOGORO.

NOTES.

Baron Blanc to M. Takahira Kogoro.

M. LE MINISTRE,

Rome, December 1, 1894.

WITH reference to the paragraph 2, Article 1 of the Protocol, signed this day between Italy and Japan, relative to the eventuality of the substitution, in regard to articles of especial interest to the respective countries, of a Conventional Tariff to the principle of the most favoured nation, the Italian Government request it to be understood that the proposal for the substitution in respect of the said articles of a Conventional Tariff to the most-favoured-nation principle may be made by the interested party at any time after the Protocol has gone into operation, and that in the event no Conventional Tariff could have been concluded within six months after such proposal has been made, the customs duties on Italian articles imported into Japan and on Japanese articles imported into Italy may be levied according to the respective General Tariff, and the most-favoured-nation principle in this respect may be suspended until the Conventional Tariff has been agreed upon.

I have, &c.,

M. Takahira Kogoro.

A. BLANC.

M. Takahira Kogoro to Baron Blanc.

Japanese Legation, Rome,

December 1, 1894.

M. LE MINISTRE,

IN reply to the note of His Royal Italian Majesty's Government relative to the eventuality of the substitution of Conventional Tariff in case the application of the most-favoured-nation principle regarding the customs duties should be found unsatisfactory in respect of those articles in the export of which each country is especially interested, the Government of Japan hereby give the assurance that the substitution of Conventional Tariff referred to can be proposed at any time after the Protocol has gone into operation, and that in the event a Conventional Tariff could not have been concluded within six months after such proposal has been made, the customs duties on articles imported from one country into the other may be levied according to the General Tariff for the time being in force, and the application of the most-favoured-nation principle in this respect shall be suspended until the Conventional Tariff has been agreed upon.

I avail, &c.,

Baron Blanc.

TAKAHIRA.

CONVENTION d'Extradition entre les Pays-Bas et la Roumanie.—Signée à Bucarest, le ^{27 Septembre}_{9 Octobre}, 1894.

[Ratifications échangées à Bucarest, le 20 Mai, 1895.]

Sa Majesté le Roi de Roumanie et Sa Majesté la Reine des Pays-Bas, et en son nom Sa Majesté la Reine-Régente du Royaume des Pays-Bas, ayant résolu d'un commun accord de conclure une nouvelle Convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Roumanie, M. Alexandre Lahovari, Grand-Croix de son Ordre de la Couronne de Roumanie, &c., son Ministre Secrétaire d'État au Département des Affaires Étrangères ; et

Sa Majesté la Reine-Régente du Royaume des Pays-Bas, M. le Jonkheer W. M. de Weede, Chevalier de l'Ordre du Lion Néerlandais, &c., Ministre Résident de Sa Majesté la Reine des Pays-Bas près la Cour Royale de Roumanie ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement de Roumanie et le Gouvernement des Pays-Bas s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'État auquel l'extradition est demandée :—

1. Attentat contre la vie du Souverain, ou contre celle des membres de sa famille ;

2. Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant ;

3. Menaces faites par écrit et sous une condition déterminée ;

4. Avortement, procuré par la femme enceinte ou par d'autres ;

5. Sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation ou sévices graves ;

6. Viol ; attentat à la pudeur ; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au dessous de l'âge de 14 ans, ou avec une femme au dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance ; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de 14 ans ; excitation d'une personne, au dessous de cet âge, à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers ;

7. Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs ;
8. Bigamie ;
9. Enlèvement, recel, suppression, substitution ou supposition d'un enfant ;
10. Enlèvement de mineurs ;
11. Contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non-contrefaits et non-altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein ;
12. Contrefaçon ou falsification de timbres et de marques de l'État ou de marques d'ouvrier exigées par la loi ;
13. Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée ; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait, au moment où il les a reçus, qu'ils étaient faux ou falsifiés ;
14. Faux témoignage, subornation de témoins, faux serment ;
15. Corruption de fonctionnaires publics ; concussion ; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels ;
16. Incendie allumé à dessein, même par le propriétaire, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse ;
17. Destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre ou d'un édifice ou d'une construction, même par le propriétaire, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ;
18. Actes de violence commis en public, à forces réunies, contre des personnes ou des biens ;
19. Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui ;
20. Émeute et insubordination des passagers à bord d'un navire contre le capitaine, et des gens de l'équipage contre leurs supérieurs ;
21. Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer ;
22. Vol ;

23. Escroquerie ;

24. Abus de blanc-seing ;

25. Détournement ou appropriation illégale d'une chose appartenant en tout ou en partie à autrui, et que le détenteur possède autrement que par suite d'un délit ;

26. Banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

Dans aucun cas l'extradition ne pourra avoir lieu que lorsque le fait similaire est également punissable d'après la législation du pays auquel la demande a été adressée, et que l'extradition de ce chef n'y est pas interdite.

II. L'extradition n'aura pas lieu :—

1. Lorsque le fait a été commis dans un pays tiers et que le Gouvernement de ce pays requiert l'extradition ;

2. Lorsque la demande en sera motivée par le même fait pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée, et du chef duquel il y a été condamné, absous ou acquitté ;

3. Si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le Tribunal pour être entendu.

III. L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

IV. Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si, d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

V. L'individu extradé ne pourra être ni poursuivi, ni puni dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente Convention et antérieur à son extradition, ni extradé à un État tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi, ni puni du chef d'un fait punissable prévu par la Convention, antérieur à l'extradition, autre que celui ayant motivé cette dernière, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article VII de la présente Convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

VI. Les dispositions du présent Traité ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun, mentionnés à l'Article I, ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugées et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

VII. L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente Convention, ainsi que la disposition pénale qui lui est applicable.

VIII. Les objets saisis en la possession de l'individu réclamé seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

IX. En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu, dont l'extradition peut être requise aux termes de la présente Convention, pourra être demandée :—

Du côté de la Roumanie, par le Juge d'Instruction et par les officiers de police judiciaire ;

Du côté des Pays-Bas, par tout officier de justice ou tout Juge d'Instruction (Juge Commissaire).

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

X. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera, à moins que son arrestation ne doive être maintenue

pour un autre motif, mis en liberté, si, dans le délai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

XI. Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une Commission Rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître. En cas d'urgence, toutefois, une Commission Rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des États à l'autorité judiciaire dans l'autre État.

Toute Commission Rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction française.

XII. Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminelles antérieures, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

XIII. Lorsque dans une cause pénale non politique la confrontation de criminels détenus dans l'autre État, ou bien la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite, à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

XIV. Le transit, à travers le territoire de l'un des États Contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VII, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles II et VI, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'État requérant.

XV. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des Commissions Rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

XVI. La présente Convention, laquelle n'est pas applicable aux Colonies, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution, la Convention du 13 Septembre, 1881,* cessera d'être en vigueur et sera remplacée par la présente Convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée, et les ratifications en seront échangées le plus tôt possible.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double expédition à Bucarest, le ^{27 Septembre}_{9 Octobre}, 1894.

(L.S.) AL. LAHOVARI.

(L.S.) W. M. DE WEEDE.

TRAITÉ de Commerce et de Navigation entre la Russie et la Serbie.— Signé à Belgrade, le $\frac{1}{2}$ Octobre, 1893.

[Ratifications échangées à Belgrade, le 27 Décembre, 1893.]

SA Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi de Serbie, désirant raffermir les relations d'amitié qui ont toujours existé entre les deux pays unis par les liens du sang et de la religion, sont convenus de conclure le présent Traité de Commerce et de Navigation, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

De la part du Gouvernement Impérial de Russie, le Conseiller Privé Alexandre Persiany, Envoyé Extraordinaire et Ministre Pléni-

* Vol. LXXII, page 718.

potentiaire de Russie en Serbie ; le Conseiller Privé Dmitri Timiriazew, membre du Conseil du Ministre des Finances ; et

De la part du Gouvernement Royal de Serbie, M. Andra Nicolitch, Ministre des Affaires Étrangères ; et M. Racha Milochévitch, Ministre du Commerce et de l'Industrie ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les sujets Russes en Serbie et les sujets Serbes en Russie seront constamment regardés et traités comme appartenant à la nation la plus favorisée. Les deux Hautes Parties Contractantes s'engagent entre elles à accorder aux sujets respectifs toutes les facilités, toute l'assistance, et tous les avantages de commerce qui peuvent naturellement découler d'un tel privilège, afin d'étendre et de faire prospérer, autant qu'il est possible, le commerce Russe en Serbie et le commerce Serbe en Russie.

II. Les sujets Russes en Serbie et les sujets Serbes en Russie pourront, en se conformant aux lois, ordonnances, et règlements du pays, entrer, voyager, résider, et s'établir en toute liberté dans quelque partie que ce soit du territoire respectif des deux États, et jouiront pour leurs personnes et leurs biens de la même protection et sécurité que les nationaux.

III. Les sujets de chacune des Parties Contractantes seront exempts, sur le territoire de l'autre, de tout service militaire. Ils seront également dispensés de toute fonction officielle obligatoire, judiciaire, administrative, ou municipale, du logement militaire, de toute contribution de guerre, de toute réquisition ou prestation militaire de quelque sorte que ce soit, hormis cependant les charges et prestations attachées à la possession ou à la location de biens immeubles, et auxquelles sont soumis les nationaux en leur qualité de propriétaires ou de locataires d'immeubles.

IV. Les sujets de chacun des deux États ou leurs ayants-cause auront réciproquement sur les territoires de l'autre la même faculté que les nationaux ou les sujets de la nation la plus favorisée, de faire le commerce en gros ou en détail, d'exercer leur industrie ou leur métier, d'expédier et recevoir des marchandises ou des valeurs, d'établir des dépôts et magasins, d'acquérir ou de louer des biens meubles et immeubles, de les aliéner ou de les transmettre : le tout sans payer des droits, contributions, impôts, et taxes autres ni plus élevés que ceux auxquels sont soumis les nationaux ou les sujets de la nation la plus favorisée.

Il est entendu toutefois que par les stipulations qui précèdent il n'est porté aucune dérogation aux lois, ordonnances, et règlements spéciaux concernant le commerce, l'industrie, et la police, ainsi qu'en ce qui regarde l'acquisition et la location d'immeubles en vigueur dans chacun des deux pays et applicables à tous les étrangers en général.

V. Les sujets de chacune des deux Parties Contractantes jouiront sur le territoire de l'autre des mêmes droits que les nationaux pour ce qui concerne la protection des inventions, des dessins, et modèles industriels, des marques de fabrique et de commerce, en se conformant aux lois et règlements en vigueur dans le pays.

VI. Tout article, produit du sol ou de l'industrie de la Russie, payera à son entrée dans le Royaume de Serbie les mêmes droits et autres redevances que les produits similaires de la nation la plus favorisée. Toutefois les articles de provenance Russe, énumérés dans l'Annexe (A), jointe au présent Traité, acquitteront à leur entrée en Serbie un droit de douane n'excédant pas les chiffres fixés dans le tarif de la dite Annexe. Les marchandises d'origine Russe transiteront librement par le territoire Serbe sans être assujetties à aucune taxe de transit; elles jouiront des plus grandes facilités lors de leur transbordement, de leur transport par chemin de fer, de leur mise en dépôt et réexpédition.

VII. Tous les produits du sol ou de l'industrie du Royaume de Serbie importés en Russie acquitteront les droits d'entrée et seront traités sous tous les rapports comme les produits similaires des pays les plus favorisés; celles de ces marchandises qui seront destinées à la réexportation à l'étranger ne seront passibles d'aucun droit de transit et profiteront de toutes les facilités pour leur transbordement immédiat, ou leur dépôt temporaire et réexpédition.

VIII.* Le Gouvernement Royal de Serbie, outre la régie du tabac et du sel existante, se réserve le droit d'établir le monopole de la vente du pétrole, du papier à cigarettes, des allumettes, et de l'alcool, produit de matières amylacées et de la mélasse.

IX. Les bâtiments Russes en Serbie et les bâtiments Serbes en Russie jouiront sous tous les rapports, et quel que soit le lieu d'origine ou de destination de leur cargaison, du même traitement que les bâtiments et les cargaisons appartenant à la nation la plus favorisée.

Toute faveur relative à la navigation que l'un des États Contractants accordera à une tierce Puissance sera immédiatement et sans condition étendue à l'autre État.

X. Les deux Hautes Parties Contractantes, désirant assurer le développement des relations commerciales directes entre les deux pays, s'engagent mutuellement à prendre toutes les mesures en leur pouvoir afin que les compagnies de navigation à vapeur et de chemins de fer respectives établissent le plus tôt possible, dans cette vue, une entente concernant la coopération directe entre les compagnies de navigation Russe et Serbe sur le Danube et le transfert immédiat de leurs cargaisons aux voies ferrées de chacun des deux

* See Protocol, page 1206.

États, les frais de transport les plus avantageux devant être réglés *ad hoc* d'après des tarifs directs et des tarifs de transit spéciaux.

XI. Le présent Traité entrera en vigueur à partir de la date de sa ratification et demeurera exécutoire jusqu'à l'expiration d'une année à partir du jour où l'une des Parties Contractantes l'aura dénoncé.

XII. Le présent Traité sera ratifié, et les ratifications seront échangées à Belgrade aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé le cachet de leurs armes.

Fait à Belgrade, le 15 Octobre, 1893.

(L.S.) A. PERSIANY.

(L.S.) D. TIMIRIAZEW.

(L.S.) A. NICOLITCH.

(L.S.) R. MILOCHÉVITCH.

ANNEXE (A).—Droits à l'Entrée en Serbie.

Articles du Tarif Général Serbe du 1 ^{er} Avril, 1893.	Dénomination des Marchandises.	Droits.	Tare en pour cent du poids brut.
<i>ad</i> 16	(a.) Poisson salé de toute sorte, à l'exception des sardines, des esturgeons, des sterlets, importé en fûts (pesant au-dessus de 200 kilog.) ..	Dinars.	
48	(b.) 2. Huiles minérales raffinées ou demi-raffinées ..	6 6	15 en barils. 21 en barils. 12 en caisses de fer blanc.

PROTOCOLE.

En vue de développer certaines stipulations du Traité de Commerce et de Navigation conclu ce 1^{er} Octobre, 1893, entre leurs Majestés l'Empereur de Toutes les Russies et le Roi de Serbie, les Plénipotentiaires respectifs ont été autorisés à inclure dans le présent Protocole les Articles additionnels suivants :—

ART. I. Les droits de douane sur le pétrole fixés dans le Tarif annexé à l'Article VI du présent Traité seront appliqués à l'importation de ce produit venant de Russie seulement jusqu'à la date où sera établi le monopole gouvernemental Serbe sur le pétrole prévu par l'Article VIII du Traité; ils entreraient cependant de nouveau en vigueur dans le cas où le Gouvernement Royal de Serbie jugerait nécessaire de supprimer ce monopole avant l'expiration du présent Traité.

II. Le Gouvernement Royal de Serbie s'engage à ne pas élever la taxe intérieure appelée "trocharina" sur le thé venant de Russie au-dessus de 150 fr. les 100 kilog.

III. Le Gouvernement Impérial de Russie, de son côté, prend l'engagement de réduire le droit de douane sur les prunes séchées (pruneaux) importées de Serbie en Russie au taux de 1 rouble or le poud.

Le présent Protocole sera considéré comme faisant partie intégrante du Traité signé le 15 Octobre, et les Articles de ce Protocole auront la même force que le Traité, comme s'ils s'y trouvaient inscrits mot pour mot.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Protocole en deux exemplaires et y ont apposé le cachet de leurs armes.

Fait à Belgrade, le $\frac{1}{27}$ Octobre, 1893.

(L.S.) A. PERSIANY.

(L.S.) D. TIMIRIAZEW.

(L.S.) A. NICOLITCH.

(L.S.) R. MILOCHÉVITCH.

ARRANGEMENT PROVISOIRE de Commerce entre la Serbie et la Grèce.—Signé à Belgrade, le $\frac{1}{27}$ Juin, 1894.

[Ratifications échangées à Belgrade, le 9 Juin, 1895.]

Sa Majesté le Roi de Serbie et Sa Majesté le Roi des Hellènes, également animés du désir de consolider leurs liens d'amitié et de développer les rapports commerciaux et maritimes entre les deux pays, en attendant la conclusion d'un Traité de Commerce et de Navigation définitif, ont résolu de conclure dès à présent un Arrangement Provisoire à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Serbie, M. Sima M. Losanitch, son Ministre des Affaires Étrangères, Grand Officier de l'Ordre Royal de Takovo, &c. ; et

Sa Majesté le Roi des Hellènes, M. Démétrius G. Métaxas, son Chargé d'Affaires à Belgrade, Officier de l'Ordre Royal du Sauveur, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :—

ART. I. Les deux Hautes Parties Contractantes se garantissent réciproquement le traitement de la nation la plus favorisée en ce qui

touche l'établissement des nationaux, ainsi qu'en matière de commerce et de navigation, tant pour l'importation, l'exportation, et le transit, et, en général, tout ce qui concerne les droits de même nature et les opérations commerciales, que pour l'exercice du commerce ou des industries, et pour le paiement des taxes qui s'y rapportent. Les marchandises originaires de chacun des deux pays jouiront également dans l'autre du traitement de la nation la plus favorisée en ce qui concerne les transports par chemin de fer ou par n'importe quelle autre voie.

II. Le présent Arrangement sera ratifié, et les ratifications en seront échangées à Belgrade, dès que les formalités prescrites par les lois constitutionnelles des deux États Contractants auront été accomplies. Il demeurera exécutoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

En foi de quoi les Plénipotentiaires susdits ont signé le présent Arrangement et y ont apposé leurs cachets.

Fait à Belgrade, en double exemplaire, le $\frac{1}{2}$ Juin, 1894.

(L.S.) S. M. LOSANITCH.

(L.S.) D. G. MÉTAXAS.

PROCLAMATION by the President of Liberia, prohibiting the Sale of Arms and Ammunition.—Cape Palmas, July 27. 1893.

WHEREAS the Government of Liberia has become a party to the General Act of the Brussels Conference, signed on the 2nd day of July, 1890, and whereas in consequence thereof the Legislature at their last Session did pass an Act entitled "An Act to regulate the importation and sale of fire-arms and ammunitions," approved the 24th January, 1893 :

Therefore I, Joseph James Cheeseman, President of the Republic of Liberia by authority of said Act of the Legislature, do proclaim said Act to be in force, and I do hereby forbid the sale of rifles and improved weapons for accurate or swift firing, as well as of powder, balls, caps, and cartridges except to persons enlisted in the military service of the Government of Liberia in conformity to the provisions of the aforesaid Act of the Legislature.

Given under my hand at Cape Palmas this 27th day of July, 1893, and of the Republic the 47th.

J. JAS. CHEESEMAN, *President.*

G. W. GIBSON, *Secretary of State.*

MESSAGE from the President of the United States, in response to the Senate Resolution of April 6, 1894, transmitting a Report from the Secretary of State relative to the Samoan Islands.—Washington, May 9, 1894.

TO THE SENATE OF THE UNITED STATES,

I TRANSMIT herewith, in reponse to the Resolution of the Senate of the 6th April, 1894, a Report of the Secretary of State containing the requested information as to the present condition of affairs in the Samoan Islands, with copies of the correspondence in relation thereto, including that with the Governments of Great Britain and Germany.

Executive Mansion, Washington, May 9, 1894.

GROVER CLEVELAND.

THE PRESIDENT,

PURSUANT to your direction, I have the honour to submit herewith the correspondence referred to in the Resolution of the Senate of the 6th ultimo requesting the President, if he should not deem it to be inconsistent with the public interest, to inform the Senate as to the present condition of affairs in the Samoan Islands, and to communicate to the Senate copies of any correspondence with the Governments of Great Britain and Germany throwing light upon the same.

A period of almost five years having elapsed since the conclusion of the General Act of Berlin, the present occasion is not inappropriate for a review of its results. Such a review, however, would hardly be intelligible without some consideration of the events that preceded the Treaty. In order that the subject may be fully comprehended, it will be necessary to present a general survey of our relations to Samoa, both before and since the conclusion of the General Act, and to exhibit the policy we have pursued towards the islands, both in respect of its character and its results.

This duty is especially important, since it is in our relations to Samoa that we have made the first departure from our traditional and well-established policy of avoiding entangling alliances with foreign Powers in relation to objects remote from this hemisphere. Like all other human transactions, the wisdom of the departure must be tested by its fruits. If the departure was justified there must be some evidence of detriment suffered before its adoption, or of advantage since gained, to demonstrate the fact. If no such evidence can be found we are confronted with the serious responsibility of having, without sufficient grounds, imperilled a policy which

is not only coeval with our Government, but to which may, in great measure be ascribed the peace, the prosperity, and the moral influence of the United States. Every nation, and especially every strong nation, must sometimes be conscious of an impulse to rush into difficulties that do not concern it, except in a highly imaginary way. To restrain the indulgence of such a propensity is not only the part of wisdom, but a duty we owe to the world as an example of the strength, the moderation, and the beneficence of popular government.

Twenty years ago it may be said that Samoa was, as to the United States, an unknown country. So completely was this the case that in the year 1873 a special Agent, named Steinberger, was sent to the islands by the Department of State for the express purpose of obtaining information in regard to their condition. This step seems to have been suggested by certain "highly respectable commercial persons" who represented the opportunities of increasing our commercial relations in that quarter of the globe, and by the circumstance that in the preceding year a naval officer of the United States, acting on his own responsibility, had entered into an agreement with the great Chief of the Bay of Pago Pago whereby the latter, while professing his desire for the friendship and protection of the United States, granted to this Government the exclusive privilege of establishing in that harbour a naval station. In May 1872 President Grant communicated this Agreement to the Senate, saying that he would not hesitate to recommend its approval but for the protection to which it seemed to pledge the United States. It does not appear that the Senate took any action on the Agreement.

After Steinberger had returned to the United States and made his report, he was sent back to the islands to convey to the Chiefs a letter from the President and some presents. Not long afterwards strange rumours began to reach the United States from Samoa. Steinberger had set up a government in the group and was administering it, and it was said he had assured the natives that the islands were under the protection of the United States. Moved by these reports, the House of Representatives, on the 28th March, 1876, adopted a Resolution instructing the Committee on Foreign Affairs "to inquire into the extent and character of the power conferred by the United States upon A. B. Steinberger as special Agent or Commissioner to the Samoan or Navigators' Islands," and to call upon the Secretary of State for all correspondence between the said Steinberger and the Department of State touching the object, operation, and result of such mission or agency.

On the 1st May, 1876, Steinberger's instructions were communicated to the House of Representatives, together with the rest of the correspondence referred to in the Resolution. In his general

instructions allusion was made to the "commanding and particularly important" position of the Samoan group in the Pacific, but it was said to be "more than doubtful" whether this consideration would be sufficient to satisfy the people of the United States that the annexation of the islands was "essential to our safety and prosperity;" and it was declared to be inexpedient, without a "call from the public," for the Executive to originate a measure which was "adverse to the usual traditions of the Government," and which, therefore, probably would not receive such a sanction as would be likely to secure its success.

There was also a later instruction, specially referring to the report that Steinberger had promised the Samoans the protection of the United States, in which the Secretary of State said:

"If this be as represented, it is much to be regretted, as no such promise was made, nor any hope of such protection was held out by warrant of this Government, and such promise, if made, was one which this Department, in the absence of a formal Treaty, or of the sanction of Congress, had no right to authorize you to make."

Steinberger did not again officially return to the United States. As Ruler of Samoa he fell into difficulties and, with the concurrence of the American Consul, who was in open conflict with him, he was deported on a British man-of-war. On the 18th March, 1876, the American Consul transmitted to the Department of State a copy of what purported to be an Agreement between the German House of Godeffroy and Son, of Hamburg, and Steinberger, entered into before the latter's return to Samoa, by which, in consideration of a commission, he engaged to exercise all his influence in Samoa, in any position he might occupy, for the furtherance of the German firm's trade.

Thus closed the first chapter in the history of our relations to Samoa, and of the attempt by such relations to extend our commerce and influence in that quarter of the globe.

In 1877 one Mamea was sent by the Chiefs of Samoa to the United States as Ambassador to conclude a Treaty. In the same year a deputation of Chiefs had proceeded to Fiji and made an unsuccessful application for annexation to Great Britain. The strifes and civil wars that had continuously prevailed in the islands for a number of years had led the people to fancy that they might find repose in annexation or protection by a foreign Power. It is well known that Mamea came to the United States with a view to obtain at least the protection of this Government. In this mission he was unsuccessful. No disposition seems to have existed on the part of our Government to assume such a relation. But, if such a disposition had existed, the difficulty previously expressed still remained of satisfying the people of the United States that "their

safety and prosperity" required the assumption of control over islands which were practically unknown to them, which were more than 4,000 miles distant from their shores, and with the possession and control of which their safety and prosperity had not in any wise been connected.

On the 17th January, 1878,* there was concluded at Washington the Treaty which up to the ratification of the General Act of Berlin twelve years later, contained the only formal definition of the relations of the United States to the Samoan group. By Article II of this Treaty the Government of the United States was granted "the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies," and the Samoan Government engaged that it would thereafter "neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof." By Article V it was provided that—

"If, unhappily, any differences should have arisen or shall hereafter arise between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation."

These are the only stipulations in the Treaty that could serve to attract attention to it. The impression produced by a discriminating examination of them is that they were inspired rather by an amiable desire on the part of our Government not to appear to be wholly insensible to the friendly advances of the Samoans than by any supposition that the character of our relations to Samoa greatly concerned us. Indeed, it is quite clear that in the five years that had elapsed since Steinberger was first sent out to gather information in regard to the islands, the Government and people of the United States had made such small progress towards a conception of the importance of the group that, if the Samoans had not been incited by our local Representatives to send an Ambassador to Washington to obtain a Treaty, none would have been made.

The way, however, was then open to form with Samoa any connection that our interests might seem to require. Intestine disorders, often culminating in civil war, had demonstrated the fact that unless the islands were to be abandoned to the rude and barbarous modes of life of the semi-civilized and unorganized tribes that inhabited them, some kind of a strong Central Government must be established there. Indeed, it was apparent that such a Government was required not only for the control of the natives, but also for the suppression of the mischievous plots and persuasions

* Vol. LXIX, page 76.

of the handful of adventurers who had found their way thither from various foreign lands, and who, with the co-operation of their Consular Representatives, largely occupied themselves in stirring dissensions among the natives and in encouraging them to solicit from one foreign Power or another either annexation or protection, whichever might be attainable.

Nevertheless, in 1878, the Government of the United States, though free to establish with Samoa such relations as our interests might seem to require, declined to assume even a Protectorate.

Meanwhile certain events accentuated what had previously and has since been a marked feature of our relations to Samoa, namely, the disregard by our local Representatives at Apia of the distinctive national policy which our Government had pursued since the days of Washington and seemed desirous still to pursue. In 1877, and again in 1878, the flag of the United States was raised by different Consular Representatives of this Government at Apia as the sign of a Protectorate. On neither occasion was the act sustained; but it thus appears that on three occasions in as many years this Government was compelled to renounce the unauthorized assumptions of its Representatives in respect to that distant community.

On the 24th January, 1879,* a Treaty was concluded between Germany and Samoa, by which the latter Government conceded to the former a right to establish a naval station in the harbour of Saluafata, and engaged not to grant a similar right in that harbour to any other nation.

On the 28th August in the same year a Treaty was concluded between Great Britain and Samoa,† by Article VIII of which a right was granted to Her Britannic Majesty's Government to establish "a naval station and coaling depôt" on the shores of a Samoan harbour thereafter to be designated by Her Majesty, there being excepted from this right the harbours of Apia and Saluafata, and "that part of Pago Pago" which might thereafter be "selected by the Government of the United States as a station."

Passing over the history of the five ensuing years the next chapter in the history of our relations to Samoa begins with the year 1885. In January of that year, Dr. Stuebel, the German Consul-General, took possession of all the land within the Municipality of Apia, so far as the Samoan Government's sovereign rights in it were concerned, to hold it as security till an understanding with that Government should be arrived at for the protection of German interests. As a counter-demonstration the American Consul, Greenebaum, raised the American flag and proclaimed a Protectorate.

* Vol. LXX, page 241.

† Vol. LXX, page 133.

The situation thus created seemed to require the discharge by the United States of its obligation under the Treaty of 1878, to employ its good offices in behalf of the Samoan Government. The phrase "good offices" is necessarily vague, and the circumstances show that it was not inserted in the Treaty of 1878 for the purpose of involving the United States in the responsibilities of a Protectorate. The inference is quite the reverse. But the situation existing in 1885 presented, as clearly as any situation could present, an occasion for the employment of good offices. Our Ministers at London and Berlin were, therefore, instructed to say that the claim of an American Protectorate over Samoa by the United States' Consul at Apia was wholly unauthorized and disapproved, no Protectorate by any foreign Power being desired; and to suggest that the British and German Ministers at Washington be instructed to confer with the Secretary of State with a view to the establishment of order. This suggestion was accepted, with the modification that, before the Conference was held, each of the three Governments should send an Agent to Samoa to investigate and report upon the condition of affairs in the islands.

This preliminary having been accomplished, a Conference was held at Washington in June and July 1887 between the Secretary of State and the British and German Ministers.* It was adjourned on the 26th July, by unanimous consent, till the autumn, in order that the members might consult their respective Governments with a view to reconcile certain divergences of view which the discussions had disclosed. The German Government proposed in the Conference a plan to commit the practical control of Samoan affairs to a single foreign official, called an adviser to the King, and to be appointed by the Power having the preponderance of commercial interests. The plan proposed by the United States was to commit the administration of the laws to an Executive Council, to be composed of the Samoan King and Vice-King and three foreigners, one of whom should be designated by each of the Treaty Powers, but who should hold their commissions and receive their compensation from the native Government so as to be independent of the influence and control of the Powers designating them. It was also proposed that any arrangement that might be devised should be embodied by the Powers in identic, but several and independent, Treaties with Samoa.

Germany objected to the plan of the United States on the ground that it did not promise a solution of existing difficulties, which were largely due to rival foreign interests. The British Minister supported the German Minister and, incidentally, the German plan.

* See Protocols of Conferences, Vol. LXXIX, page 900.

Immediately after the adjournment of the Conference, the German Government instructed its Representative in Samoa to make a demand on Malietoa for reparation for certain wrongs alleged to have been committed by him and his people, all of which antedated the assembling of the Conference, and, if he should be unwilling or unable to afford satisfaction, to declare war upon him "personally." War was declared, Malietoa was dethroned and deported, and Tamasese, who had some time previously been Vice-King but had lately been in arms against the Government, was installed as King, with a German named Brandis, who had long been connected with German commercial interests in Samoa, as adviser.

The understanding with which the Conference was opened in 1887 was that, pending its deliberations, affairs in the islands should remain *in statu quo*. The adjournment of the Conference till the autumn without dissent from any quarter was not considered by the United States to disturb that understanding, and the action of Germany seemed to involve a question of the consideration due to this Government. A situation wholly unanticipated and, in the opinion of this Government, wholly unnecessary was thus created; nor was it relieved by the fact that it was not without parallel in the history of nations whose policy had not preserved them from becoming involved in contests concerning remote and uncivilized lands. The United States had not consciously sought to participate in such a contest. It had merely endeavoured to fulfil a Treaty stipulation which required nothing more than friendly interposition. But our first adventure in that direction afforded most signal and convincing proof that the only safeguard against *all* the evils of interference in affairs that do not specially concern us is to abstain from such interference altogether.

In September 1888 many of the natives revolted against the Government of Tamasese and chose Mataafa as King. The incidents of the ensuing war it is unnecessary now to recapitulate, but they served to complicate a situation already sufficiently difficult. Much feeling was aroused, and an appropriation of 500,000 dollars was made by Congress for the protection of the interest of the United States. Our squadron in Samoan waters was reinforced, only to be destroyed later by a hurricane in the port of Apia. Nor was the tension relieved till February 1889, when an agreement was reached for the renewal of the Conference between the three Treaty-Powers.

In reviewing this chapter in the history of our relations to Samoa, fraught with so much peril to our "safety and prosperity," we look in vain for any compensating advantage. So far as the departure from our early and conservative policy had produced any appreciable result, it had been one of unmitigated disadvantage. It

certainly cannot be maintained that the condition of the natives was improved by our interference. On the other hand, no interest of our own had been promoted. The whole trade of the islands is of small value, and of this only an insignificant part is with the United States. We have never found it to be necessary to interfere in the affairs of a foreign country in order to trade with it.

Our trade with Oceanica amounts to 40,000,000 dollars a-year, of which one-half is with British Australasia. Our trade with Samoa forms a scarcely appreciable part of the grand aggregate. In the year 1887, while we were exercising our good offices in behalf of the native Government and after our new policy had been in operation for nearly fifteen years, the reports for the Consular district of Apia show that out of 229 merchant-vessels that arrived there only 6 were American. Of these, the aggregate tonnage was only 1,065 tons, or less than a-fourth of that of single vessels in some of the fleets that ply weekly between our ports and those of Germany, the Power with which we had fallen into serious contention. The cargoes imported by those six vessels were valued in the aggregate at less than 60,000 dollars. Nor has our trade been increased by the relations that we have since assumed. Our Consul at Apia stated in 1887 that the importations from the United States into that district in 1886 amounted in value to 150,000 dollars. This is far more than the returns for any subsequent year disclose, the usual amount being little in excess of that of 1887, when not actually below it. The exports to the United States are scarcely appreciable. For the fiscal year ending the 30th June, 1892, their declared value was 20,060 dol. 58 c., and of this sum 18,750 dol. 65 c. represented the wreckage recovered from our naval vessels that were destroyed in the hurricane of 1889.

On the 14th June, 1889,* there was concluded the General Act of Berlin "for the neutrality and autonomous government of the Samoan Islands."

Before proceeding to the consideration of this Treaty and of its results, it is proper to advert to the fact that in the instructions given our negotiators at Berlin it did not escape observation that our course toward Samoa had involved us in a departure from our established policy. It has already been shown that in the Conference of 1887 the United States presented a plan to establish through identic, yet separate and independent, Treaties with Samoa an Executive Council, to consist of the Samoan King and Vice-King and three foreigners, one of whom should be nominated by each of the three Treaty Powers, but who should be appointed and paid by the native Government, in order that they might be independent of foreign influence. Referring to this plan, the

* Vol. LXXXI, page 1058.

instructions given by Mr. Blaine to our negotiators at Berlin on the 11th April, 1889, said :—

“ This scheme itself goes beyond the principle upon which the President desires to see our relations with the Samoan Government based, and is not in harmony with the established policy of this Government. For, if it is not a joint Protectorate, to which there are such grave and obvious objections, it is hardly less than that, and does not, in any event, promise efficient action.”

The General Act of Berlin, after declaring the independence and neutrality of the Samoan Islands and stipulating for the provisional recognition of Malietoa Laupepa as King, provides for the establishment of a Government.

Of this Government the principal feature is a Supreme Court, which consists of one Judge, styled Chief Justice of Samoa, who is nominated by the three Treaty Powers, or, if they cannot agree, by the King of Sweden and Norway, and who is empowered to appoint a Clerk and a Marshal. The salary of the Chief Justice is fixed at 6,000 dollars a-year in gold, to be paid the first year in equal proportions by the three Treaty Powers and afterwards out of the revenues of the Samoan Government, on which it constitutes a first lien, but with a provision that any deficiency shall be made good by the Treaty Powers. The Clerk and the Marshal are paid by fees.

The Chief Justice has jurisdiction both original and appellate, and his decisions are final. He has jurisdiction of all questions arising under the General Act ; of any question that may arise as to the election of a King or any other Chief, or as to the validity of any powers claimed by such King or Chief ; and also of any differences that may arise between either of the Treaty Powers and Samoa. He has power to recommend the passage of laws. He has exclusive jurisdiction of all suits concerning real property in Samoa ; of all suits between natives and foreigners or between foreigners of different nationalities ; of all crimes and offences committed by natives against foreigners, except minor offences in the Municipality of Apia ; and he is empowered to adopt in his Court, so far as applicable, and with such modifications as circumstances may require, the practice and procedure of common law, equity, and admiralty as administered in the Courts of England.

In criminal cases he is authorized to impose, according to the crime, the punishment prescribed by the laws of the United States, of England, or of Germany, as he shall deem to be most appropriate, though in the case of native Samoans and other South Sea islanders he is authorized to follow the laws and customs of Samoa.

After the Supreme Court, the feature next in order is the local Government provided for the municipal district of Apia, in which there are only about 170 electors. Of this Government the principal

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organ is a Municipal Council, composed of six members and a President. The President, who is the Chief Executive of the district and who is also invested with the function of advising the King "in accordance with the provisions of the General Act, and not to the prejudice of the rights of either of the Treaty Powers," is selected through the instrumentality of those Powers, and receives an annual compensation of 5,000 dollars, paid the first year in equal shares by the Treaty Powers, and afterwards out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary is the first charge. The Municipal Council in turn appoints a Municipal Magistrate and necessary subordinate officers of justice and of administration within the Municipality. But the orders passed by the Municipal Council have no effect till approved by the three foreign Consuls, or, if they fail to agree, by the Chief Justice.

In addition to these provisions for the permanent government of the islands the General Act provides for a Land Commission for the examination of claims and titles to land, subject to the final jurisdiction of the Chief Justice. It is provided that this Commission shall consist of three persons, one to be named by each of the Powers, and each to receive a compensation of 300 dollars a-month and his reasonable fare to and from Samoa. Following the same rule it is provided that the reasonable and necessary expense of taking evidence and making surveys shall be borne by the three Powers in equal proportions.

The General Act further provides a system of revenue, consisting of import and export duties, capitation taxes on Samoans and coloured plantation labourers other than Samoans, licence taxes, and certain occasional duties.

It is obvious that the machinery thus devised for the Government of the islands is inaccurately styled an "autonomous Government." It is true that in Article I of the Act the Contracting Parties declare that they "recognize the independence of the Samoan Government and the free right of the natives to elect their Chief or King and choose their form of government according to their own laws and customs." This declaration, however, only adds force to the fact that we may look in vain in all the comprehensive framework of the Treaty for a single provision that secures to the nominal and unsalaried King or to the natives either independence or any substantial part in the exercise of the executive, legislative, or judicial powers of the Government. All these powers are in reality discharged by foreign officials actually chosen by the Treaty Powers and backed up by their force and their funds. The so-called "autonomous Government" is more than a joint Protectorate. It is in substance and in form a tripartite foreign Government,

imposed upon the natives and supported and administered jointly by the three Treaty Powers. Such is the arrangement to which the United States, in the pursuit of its new policy, has committed itself for the purpose of securing the so-called neutrality of these distant islands.

In due time the Samoan Government gave its formal adherence to the Treaty, and it was put into operation. An election of King by the so-called Chiefs was held and resulted in the choice of Malietoa, of whom the Powers had, however, already renewed their recognition.

Immediately difficulties were encountered in the administration of the new Government. It was found that, like its predecessors, it must encounter the inveterate reluctance of the natives to submit to a centralized Government, or, indeed, to any Government, as Government is understood among civilized nations. They refused to heed the warrants of the Supreme Court, and it became necessary to invoke the assistance of a man-of-war for their enforcement. They also manifested, though not for the first time, an aversion to the payment of capitation taxes, and it became necessary to resort to coercive measures in order to collect them.

As early as 1891 some of the natives, under the lead of Mataafa, began to betray rebellious symptoms of even a more pronounced character. In a despatch of the 6th December, 1892, Mr. Blacklock, the Consul of the United States at Apia, in reporting upon the condition of affairs that had prevailed in the islands for a year prior to that date, said:—

“Ever since Mataafa’s establishment at Malie he has endeavoured to gather strength, and there is not the slightest doubt had he been successful in getting sufficient following he would have made war upon Malietoa; he has done everything in opposing the Government except making war; he has defied its Courts, obstructed its officials in the execution of their duties, harboured refugees from justice, succoured and supported prisoners escaped from prison, and at the present moment is living in open defiance of the King and Government and all the laws of the country, keeping up an armed force and plundering foreigners’ plantations for subsistence. Time and again have white officials who went to Malie with warrants for the arrest of offenders been driven away by Mataafa’s soldiers and warned against attempting any arrest under penalty of death.”

This condition of things continued with increasing aggravation till July 1893, when war actually broke out. The Treaty Powers were now compelled actively to intervene with their naval forces in order to keep Malietoa on the throne. In the end it became necessary to disperse the insurgents and to deport Mataafa and

eleven other Chiefs to another island where they have since been kept at the joint expense of the three Powers.

Meanwhile, both the Chief Justice and the President of the Municipal Council of Apia had become involved in various difficulties and had resigned. Their successors were duly appointed, the new Chief Justice being Mr. Henry C. Ide, a citizen of the United States, who had served as American member of the Land Commission. In this capacity Mr. Ide's services had been so satisfactory that he was appointed Chief Justice, with the ready concurrence of all the Treaty Powers. But the situation in which he found himself almost immediately after the assumption of the duties of his new office well illustrates the difficulties attending the administration of the Government under the Treaty.

Mr. Ide arrived at Apia on the 3rd November last. On the 29th January the Consul of the United States reported that the condition of affairs had again become serious. "The Municipality," said Mr. Blacklock, "has been full of armed natives, who congregated to protect the King and Government from attacks, and Mulinuu, the King's head-quarters, has been continually guarded by hundreds of these native warriors." Toward the end of March war again broke out, the rebels being under the leadership of Tamasese, who at one time held the office of King. Several battles took place to the west of Apia, and grave apprehensions were felt lest the territory of the Municipality might become a battle-ground. The Government, however, was so far victorious as to be able to effect an armistice, and in the meantime the Treaty Powers were called upon to send men of war to the islands. Such was the condition of affairs at the time of our last official advices from Apia.

Reference has already been made to the fiscal system embraced in the General Act of Berlin. This is a subject that has continued to require the attention and the active co-operation of the Treaty Powers. By that Act it is provided that all taxes collected in the Municipal District of Apia shall belong to the Municipality, and all taxes collected outside of that district to the Samoan Government. As most of the revenues have been derived from duties collected on imports and exports at Apia, the effect of this stipulation was to leave the Samoan Government without adequate means of support. The Chief Justice, Mr. Cedercrantz, sought to remedy this difficulty by deciding that all the customs revenue belonged to the Samoan Government. This decision the Treaty Powers, in view of the plain language of the General Act as well as of the fact that the decision threatened in turn to deprive the Municipality of funds, found it necessary to hold to be "extrajudicial;" and an arrangement was effected by the foreign Consuls, the Chief Justice, and the King by which it is provided that in case the revenues of the Government

shall fall below a certain amount a portion of the import and export duties collected by the Municipality shall be applied to make up the deficiency. The practical effect of this arrangement is yet to be demonstrated, and its operation will necessarily be affected by the condition of affairs in the islands and the ability to collect taxes from the natives. Up to the present time the Treaty Powers have been compelled to continue their pecuniary support to their joint Government, not only in the execution of specific provisions of the General Act, but also in the emergencies that have arisen in its enforcement.

Soberly surveying the history of our relations with Samoa, we well may inquire what we have gained by our departure from our established policy beyond the expenses, the responsibilities, and the entanglements that have so far been its only fruits. One of the greatest difficulties in dealing with matters that lie at a distance is the fact that the imagination is no longer restrained by the contemplation of objects in their real proportions. Our experience in the case of Samoa serves to show that for our usual exemption from the consequences of this infirmity we are indebted to the wise policy that had previously preserved us from such engagements as those embodied in the General Act of Berlin, which, besides involving us in an entangling alliance, has utterly failed to correct, if indeed it has not aggravated, the very evils which it was designed to prevent.

Respectfully submitted.

W. Q. GRESHAM.

Department of State, May 9, 1894.

MESSAGE from the President of the United States, in further response to the Senate Resolution of April 6, 1894, transmitting a Report from the Secretary of State relative to the Samoan Islands, and Copies of Correspondence relating thereto. — Washington, July 9, 1894.

TO THE SENATE,

I TRANSMIT herewith, in further response to the Senate Resolution of the 6th April, 1894, a Report from the Secretary of State accompanied by copies of certain correspondence relating to Samoan affairs.

Executive Mansion, Washington, July 9, 1894.

GROVER CLEVELAND.

THE PRESIDENT,

SINCE the Undersigned had the honour to submit to you, on the 9th May last, a report and accompanying correspondence on the subject of the condition of affairs in the Samoan Islands, which were transmitted to the Senate in response to the Resolution of that body of the 6th April, 1894, several important communications have been received in relation to the hostility of the natives to the Government established by the Three Powers in those islands, which the Undersigned deems it proper to lay before you, with a view to their communication to the Senate in further response to the aforesaid Resolution.

The Undersigned finds in these additional papers abundant confirmation of the views heretofore expressed by him touching the unsatisfactory character of the entanglements in which the United States have become involved by reason of their participation in the General Act of Berlin and the inadequacy of the engagements so made to remedy the evils it was sought to meet.

In the Consular Report which accompanies the German Ambassador's note of the 16th ultimo it is stated that there were in the harbour of Apia, on the 24th April last, two British vessels of war and one German cruiser. No vessel of the United States was then or is now stationed at Samoa. In view of this it may be assumed that the Ambassador's request to be apprised of the attitude which the United States' Government assumes towards the unchanged and threatening conditions prevailing in the islands fairly invites this Government to announce whether or not it is willing to co-operate in a joint military movement against the rebellious Samoans for the purpose of constraining their submission to the Government which was provided for by the Treaty of Berlin.

Respectfully submitted.

W. Q. GRESHAM.

Department of State, Washington, July 3, 1894.

Correspondence between the Department of State and the British Embassy.

Sir J. Pauncefoot to Mr. Gresham.

SIR,

British Embassy, Washington, May 8, 1894.

I TRANSMITTED to the Earl of Kimberley copy of your note of the 2nd ultimo, together with its inclosures, respecting the Samoan Land Commission, and the enforced departure of the United States' Commissioner.

I have now the honour, in accordance with his Lordship's instructions, to inclose copy of a despatch which has been received at the Foreign Office from Consul Cusack Smith, suggesting that Mr. Chambers should be requested to return to Samoa in two months' time in order to complete the work of the Commission. Lord Kimberley desires me to express the hope that you may be able to prevail on Mr. Chambers to accede to that arrangement.

I have, &c.,

W. Q. Gresham, Esq.

JULIAN PAUNCEFOTE.

(Inclosure.)—Mr. Cusack Smith to the Earl of Rosebery.

MY LORD,

Samoa, March 28, 1894.

WITH reference to the Land Commission, I have the honour to report that the United States' Land Commissioner, Mr. Chambers, leaves Samoa to-day. No one has arrived to relieve him, and a delay of at least five weeks must, in any case, occur before the work of the Commission can be fully resumed.

If the United States have not already appointed a fresh Commissioner, it might greatly expedite the conclusion of the Commission's work if Mr. Chambers would return to Samoa in two months' time.

This he has privately told me he is willing to do, and that, provided the remaining Commissioners work steadily during his absence, the labours of the Commission should be completed within six weeks.

Mr. Chambers, had he been able to remain uninterruptedly in Samoa, would have, so I am well informed, seen the end of all the work in May.

He only leaves about 500 cases undealt with, and to him is mainly due the great acceleration in the working of the Commission since the 3rd November, 1893.

Mr. Chambers has been popular with all sections of the community.

I have, &c.,

The Earl of Rosebery.

T. B. CUSACK SMITH.

Sir J. Pauncefote to Mr. Gresham.

SIR,

Washington, May 14, 1894.

WITH reference to my note of the 1st instant on the subject of affairs in Samoa, I have the honour, in accordance with instructions from the Earl of Kimberley, to inclose copy of a despatch from Her Majesty's Consul at Apia reporting the steps taken by the Consular

Representatives of the three Powers with a view to the restoration of peace in the Navigators' Islands.

I have, &c.,

W. Q. Gresham, Esq.

JULIAN PAUNCEFOTE.

(Inclosure.)—*Mr. Cusack Smith to the Earl of Kimberley.*

MY LORD,

British Consulate, Samoa, March 28, 1894.

I HAVE the honour to report, with reference to my despatch of the 30th January, that, so far from ending the disturbances, the action of the Chief Justice in imprisoning and fining the leaders of the rebellion in Aana only added fuel to the flame of discontent.

War rumours grew in intensity till, on the 10th March, President Schmidt hastily summoned the Consuls "to a great fono (or meeting) about the war question," and begged us to assist him.

The Consuls then learned for the first time that the Samoan Government had determined to wage war against the Aana people, and that specific orders had been issued to the Savaii contingent and other Government supporters to that effect.

A reference to the map in my despatch will make the situation clearer, while the origin of the war is explained in my despatch of the 2nd January.

Fighting had taken place that same morning, the 10th March, and one Chief on either side had been killed, and several wounded.

The Consuls were unanimously opposed to any further fighting, but were not supported by the Chief Justice. The President was at this first meeting also in favour of war.

More fighting occurred on Sunday and Monday, and by this time there were nineteen wounded in the temporary hospital at Apia, and probably an equal number at Leulumoega. In all, about thirty were killed or died from their wounds in the various engagements—a heavy death-roll compared with former Samoan wars.

On the 11th March the Consuls found out that the Samoan Government, many members of which are really hostile to King Malietoa, had summoned to Apia, ostensibly for the defence of the Government, the district of Atua, and that these warriors were hourly expected in Apia.

We knew that their secret intention was to seize the King, overawe the Tuamasaga district, and then, joining with Aana, they intended to utterly crush the Samoan Government and the Tuamasaga district. As this would have involved fierce fighting in the Municipality of Apia, with the greatest danger to the life and property of the white residents, the Consuls, on the 12th March, waited on the President and the Chief Justice, and formally

protested against any armed contingents being summoned to the Municipality, and at the same time handed to the President the appended Proclamation, to which he gave his ready approval.

Subsequently we saw the King, who said we were quite correct in our opinion as to the loyalty of Atua, and entirely approved our action. He said our Proclamation was the only thing which would keep Atua from invading the Municipality, and himself issued urgent orders in support of it.

Next day the Government party entered and burnt Leulumoega, the capital of Aana.

On the 14th messages arrived from Atua to the effect that the Consuls' Proclamation would be obeyed, and the uneasy feeling among the white residents abated.

On the 13th, in consequence of persistent rumours that ammunition was being supplied in large quantities to the natives, the Consuls personally visited the stores of all their nationals and took an inventory of all arms and ammunition in order to prevent it being supplied to the natives. In this work we received the ready assistance of our nationals without an exception. President Schmidt made a similar inventory in the case of foreigners not subject to Consular jurisdiction. Scarcely any ammunition was found to be in Apia, and the rumours have since proved to be untrue.

On the 16th the Government summoned the Consuls hurriedly, and told us that Atua would disobey the Proclamation and come immediately to Apia with hostile intentions.

The Samoan Government begged the Consuls to go to Atua and interview the Atua Chiefs, and only permit such districts of Atua as were undoubtedly loyal to come to Apia.

This is a sort of ordeal common among the Samoans, and Atua expressed their satisfaction, and agreed to obey the Proclamation until the Consuls otherwise ordered.

From sickness and other causes the Consuls were unable to proceed to Atua until March, so when the fono or meeting was held at Saluafata I went on foot the day previous to see for myself the exact disposition of the Atua outpost, through which I passed. At the fono the Atua Chiefs expressed their willingness to join in a general peace, and to delay their coming to Apia until the Consuls had seen the Aana people and endeavoured to stop the fighting in order to arrange peace.

Aana had two days previously sent to the Consuls offering to surrender to them, and to abide by their decision.

We had great difficulty in inducing the native part of the Samoan Government to consent to peace; but on the 22nd an armistice was arranged, which is still in force, and to-morrow the Consuls will proceed to Aana, and I have every confidence that a

satisfactory peace will be settled; after which, at our suggestion, a great meeting of all the Chiefs in Samoa will be held, at which their grievances will be investigated.

My colleagues have cabled for war-ships, but I do not consider any outside help is necessary, or even desirable.

The Consuls are working in complete accord with the white officials, who are supporting our efforts to mediate between the belligerents and would-be belligerents, and I shall personally relax no effort to settle this matter speedily on the spot.

I have, &c.,

The Earl of Kimberley.

T. B. CUSACK SMITH.

Proclamation.

WHEREAS we have been informed that it is the intention of armed parties from various districts of Samoa to come to Mulinuu: Now we, the Consular Representatives of the Great Powers, warn all Samoans that any armed party entering the Municipality will be held by us to be acting contrary to the intentions and orders of the Great Powers.

We therefore strongly protest against any armed party leaving its own district unless at some future date the Samoan Government, with our approval, shall see fit to order otherwise.

Apia, March 12, 1894.

T. B. CUSACK SMITH, *Her Britannic Majesty's Consul.*

BIERMANN, *Imperial German Consul.*

W. BLACKLOCK, *Vice-Consul-General, United States of America.*

Mr. Uhl to Sir J. Pauncefote.

EXCELLENCY, *Department of State, Washington, May 16, 1894.*

I HAVE the honour to acknowledge the receipt of your note of the 14th instant, in which you inclose copy of a despatch from Her Majesty's Consul at Apia, reporting the steps taken by the Consular Representatives of the three Powers with a view to the restoration of peace in the Navigators' Islands.

I have, &c.,

Sir J. Pauncefote.

EDWIN F. UHL, *Acting Secretary.*

Sir J. Pauncefote to Mr. Gresham.

SIR, *British Embassy, Washington, May 28, 1894*

WITH reference to your note of the 3rd April last, I have now the honour to inform you, in accordance with instructions received from the Earl of Kimberley, that Her Majesty's Government accede to Mr. Ide's application for an additional allowance of 1,000 dollars to cover his removal and travelling expenses to Samoa, upon the understanding that each of the three Treaty Powers will defray one-third of the sum in question.

As soon as I receive an intimation from you that an arrangement in the above sense has been effected, I shall have the honour to transmit to you the sum of 333 dol. 84 c., being the share due from Her Majesty's Government.

I have, &c.,

W. Q. Gresham, Esq.

JULIAN PAUNCEFOTE.

Mr. Uhl to Sir Julian Pauncefote.

EXCELLENCY, *Department of State, Washington, June 1, 1894.*

I HAVE the honour to acknowledge the receipt of your note of the 28th ultimo, saying that Her Majesty's Government accedes to the proposition to pay Mr. Henry C. Ide, Chief Justice of Samoa, an additional 1,000 dollars to defray his travelling and removal expenses, and that as soon as you are advised that an arrangement in this sense has been effected, you are prepared to pay over the sum of 333 dol. 84 c., being the share due from Her Majesty's Government.

Upon the receipt of a note from his Excellency the German Ambassador stating that His Imperial Majesty's Government assents to the proposition, it will give me pleasure to notify you to the end that the British quota may be transmitted as you propose.

I have, &c.,

Sir J. Pauncefote.

EDWIN F. UHL, *Acting Secretary.*

Mr. Uhl to Sir J. Pauncefote.

EXCELLENCY, *Department of State, Washington, June 13, 1894.*

IN response to your note of the 8th ultimo concerning the desirability of the presence of the United States' Land Commissioner in Samoa, I have the honour to inform you that Mr. Cham-

bers will return as soon as he shall have completed the business which called him to the United States.

I have, &c.,

Sir J. Pauncefote.

EDWIN F. UHL, *Acting Secretary.*

Mr. Uhl to Sir J. Pauncefote.

EXCELLENCY, *Department of State, Washington, June 16, 1894*

I HAVE the honour to refer to the Department's note of the 1st instant, in reply to yours of the 28th May last, and to say that, by a note from his Excellency the German Ambassador of the 8th instant, it appears that the Imperial German Government agrees to assume its share of the 1,000 dollars additional towards the travelling expenses of Mr. Henry C. Ide, Chief Justice of Samoa.

Baron Saurma adds that, after the British Government has expressed itself to the same effect, and the United States have likewise assented thereto, the Imperial Consul at Apia will be instructed to confer with his American and British colleagues respecting the joint payment of the sum in question.

I have advised the German Ambassador of the nature of your note of the 28th ultimo and of your willingness to transmit the sum of 333 dol. 34 c. in United States' money, or its equivalent, to the Department, to be turned over to Mr. Ide.

I think, however, the better way is to instruct the three Consuls at Apia to confer and to draw simultaneously upon their respective Governments for the sum of 333 dol. 34 c. each, or its equivalent, and pay it over directly to Mr. Ide, who can give the necessary receipts, and thus end the matter.

I have requested Baron Saurma to see that the German Consul at Apia is instructed in this sense, and shall be glad to learn that Her Majesty's Consul there had been similarly instructed. The necessary directions will be immediately sent to Mr. Blacklock.

I have, &c.,

Sir J. Pauncefote.

EDWIN F. UHL, *Acting Secretary.*

Correspondence between the Department of State and the German Embassy.

Baron Saurma to Mr. Gresham.

(Translation.) *Imperial German Embassy, Washington,*
MR. SECRETARY OF STATE, *May 7, 1894.*

As your Excellency will see by the inclosed copy of a communication from the President of the Municipality, dated Apia, the 19th February, 1894, that officer has communicated to the Consuls of the Treaty Powers a Resolution adopted by the Municipality, the object of which is to exclude German and American money as a legal tender from Samoa, and to cause none but English money at the rate of 4s. to the dollar to be received. In the opinion of the Imperial Government, there is at present no reason for the adoption of such a Resolution by the Municipality; it would, moreover, be in contravention of the right established in the Samoa Act. In Article VI, section 4, of the Treaty it is expressly provided that besides American dollars and cents other coins may circulate in Samoa at their standard value. The Imperial Government consequently intends to instruct the Imperial Consul at Apia in this sense.

In having the honour to bring the foregoing to your Excellency's notice, I take the liberty, in pursuance of instructions received from the Imperial Government, to make inquiry whether the United States' Government has received the above-mentioned Resolution of the Municipal Council, and what position your Excellency proposes to take in the matter.

In connection with previous correspondence had by the Department of State with the Imperial Legation at Washington in reference to the Samoan money question, I take the liberty to refer to the note of Mr. William F. Wharton, Acting Secretary of State, to M. von Holleben, the Imperial Envoy, of the 24th March, 1892, and to that of Mr. Alvey A. Adee, Acting Secretary of State, to Baron von Ketteler, of the 15th August, 1892.

Hoping to be favoured with a reply, I avail, &c.

W. Q. Gresham, Esq.

SAURMA.

(Inclosure.)—The President of the Municipality of Apia to the Consuls of the Treaty Powers.

GENTLEMEN, *Apia, February 19, 1894.*

As is known to you the Municipal Council of Apia, at a meeting held on the 7th instant, has taken the following Resolution:—

"That the President be requested to communicate with their respective Governments with a view to the elimination of the German and American coinage from the Treaty currency of this country and the adoption of the British coinage at the rate of 4s. per dollar."

I have now the honour most respectfully to request that you will kindly communicate in the matter with your Governments and inform me of the result.

I have, &c.,

E. SCHMIDT, *President of the Municipal Council.*

Mr. Gresham to Baron Saurma.

EXCELLENCY, *Department of State, Washington, May 12, 1894.*

I HAVE the honour to acknowledge the receipt of your note of the 1st ultimo, wherein you inclose a note from the British Ambassador at Berlin relative to the payment of the expenses of the exiled Samoan Chiefs, and ask the concurrence therein of this Government. It appears now that instead of the British Consul at Apia taking the money to defray such expenses as was previously suggested, the British Government thinks that the "money should be provided in the first instance by the Imperial German Government, who will eventually claim one-third of the total expenditure from each of the other Governments concerned."

The arrangement now proposed to meet the expenses of these detained Chiefs seems unobjectionable to the Government of the United States.

With reference to the report of the German Consul dated Apia, the 30th January, 1894, concerning a possible outbreak there, and submitting with regard to this Department's note of the 21st December, 1893, as to the duration of the deported Chiefs' exile, that their premature return would not be conducive to a durable restoration of peace on the islands, I desire to state that much later information, received through the British Ambassador here, indicates that his Government does not apprehend further disturbances there. It is, in fact, much more reassuring in this respect than the report of Consul Biermann.

Accept, &c.,

Baron Saurma.

W. Q. GRESHAM.

Mr. Uhl to Baron Saurma.

EXCELLENCY, *Department of State, Washington, May 16, 1894.*

I HAVE the honour to acknowledge receipt of your note of the 2nd instant, with which was inclosed a copy of the report of the Commanding Officer of the German cruiser *Sperber* in relation to the transportation of Mataafa and his followers to the Marshall Islands.

Accept, &c.,

Baron Saurma.

EDWIN F. UHL, *Acting Secretary.*

Mr. Uhl to Baron Saurma.

EXCELLENCY, *Department of State, Washington, May 19, 1894.*

REFERRING to your note of the 6th March last and to my reply of the 10th of the same month, I have now the honour to inclose to you the receipt of Mr. Henry C. Ide, Chief Justice of Samoa, for 500 dollars, being the quota paid by the German Government on account of his travelling expenses from the United States to Apia.

Accept, &c.,

Baron Saurma.

EDWIN F. UHL, *Acting Secretary.*

Memorandum.—(Received from the German Embassy, May 25, 1894.)

IN the Department's note of the 2nd April relative to the departure of the American member of the Samoan Land Commission, Mr. Chambers, thus leaving the labours of the Commission unfinished and causing a most undesirable delay in the settlement of the remaining claims, all of which seem to affect the interests of German and British residents, it was proposed to dispose of these claims without the co-operation of an American Delegate.

The Imperial Government is at present hardly prepared to accede to this proposal, which would involve an alteration of the Samoan General Act, as according to the view lately expressed by the United States' Government any alteration or revision of separate Articles of the Samoan General Act is considered equally undesirable by the Foreign Office at Berlin.

As the validity of the acquisition of property decided upon by less than three Commissioners might be questioned in the future, the Imperial Government consider the presence of an American Land Commissioner absolutely necessary.

It appears from advices received from Apia that Mr. Chambers would consent to return to Samoa after having attended to his

private business in this country, and the Imperial Government would suggest that this course be adopted if possible, as Mr. Chambers' early return to Samoa would be most apt to repair the injury caused to the public interests in Samoa by the sudden departure from his post without awaiting the appointment of a successor, as well as the serious inconvenience occasioned last year by the absence of an American Land Commissioner during a period of eight months.

Imperial German Embassy, Washington, May 25, 1894.

Baron Saurma to Mr. Gresham.

(Translation.)

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

May 26, 1894.

I HAVE the honour, in pursuance of instructions received, to transmit to your Excellency a copy of another report concerning the situation in Samoa, made by the Imperial Consul at Apia under date of the 26th March, 1894. The report describes the contests which have taken place in Samoa during the past few months, and calls attention to the renewed depredations and to the dangers resulting therefrom to plantations owned by foreigners, especially those owned by Germans.

It is further shown by this report that the occurrences which have taken place render it once more evident that the present state of things cannot continue in Samoa, as has already appeared from the press telegrams from Apia.

The battles of the natives appear, from the Consul's report, to be carried on in a manner which, owing to their cruelty, does violence to every sentiment of humanity and civilization, and for this reason alone it would seem that a change should be made in the state of things in Samoa.

I avail, &c.,

W. Q. Gresham, Esq.

SAURMA.

(Inclosure.)—*M. Biermann to Count von Caprivi.*

(Translation.)

Apia, March 26, 1894.

I HAVE the honour, referring to my report of the 30th January, 1894, most respectfully to communicate the following to your Excellency.

The events of the last few weeks have shown more conclusively than ever that the disarming of the Samouans is absolutely necessary if peace is to be expected for any length of time.

The latest uprisings were planned and carried out without any reason; simply from a love of revolution and from a desire to lead a pleasant warlike life.

The Samoans are and will remain children, and to consider them as intelligent persons who are able to govern themselves leads to these constant troubles under which the Germans and their plantations suffer.

In my report of the 30th January I stated that the Aana Chiefs had voluntarily presented themselves in order that their complaints might be investigated, and that, if deemed necessary, punishment might be inflicted upon them for their rebellious acts against the recognized Government at Mulinuu.

Of the complaints, numbering between twenty and thirty, which they had at first sent in, in writing, they withdrew all but one, viz., that Malietoa had declared in favour of the disarming of all Samoans. This, too, was but a pretext. The real reason was that they desired to overthrow Malietoa without any cause except that they wished to proclaim a new King.

Before the decision of the Chief Justice had been pronounced the Atua Chiefs declared that they made common cause with the Aana party, and that they disapproved the decision of the Chief Justice. Before the Chief Justice pronounced his decision he discussed the whole matter with the Consuls and the President, and then, with the approval of us all, decided that the ringleaders of the movement should be imprisoned and that the less guilty ones should be fined, being kept under arrest until their fines were paid. Of these fines, thus far, just as little has been paid as of the fines which were some time ago imposed upon the adherents of Mataafa. Only the former rebels residing in the Tuamasaga, i.e., in the vicinity of Apia, have begun, in pursuance of the Agreement with the Government, to build a piece of road assigned to them on the north coast of Upolu, instead of making payments in money.

During the next few weeks after the decision had been rendered, peaceful and warlike reports were received in quick succession. When the mail left on the 28th February, a disposition in favour of peace appeared to prevail in Aana, but as early as the 7th instant the first shots were exchanged between the rebels and the Savaii people, who were on the side of the Government.

After the first important attack of the Government had proved unsuccessful, the attitude of the Atua party, which threatened to march into the neutral territory and to advance upon Mulinuu, became so suspicious that the Consuls, simply for the purpose of saving time, urged in a Proclamation issued by them that peace should be maintained. The Proclamation attained its object, for the Atua party was again obliged to deliberate as to the action which,

in view of the Proclamation, it was proper for them to take. A few days afterwards, when the situation again became critical, the Consuls were requested by the President, in the name of the Government, to come to a conference at Mulinuu, in order to give advice and assistance.

At the meeting at Mulinuu, at which it was evident that the Government party stood in great fear of an eruption by the men of Atua, inasmuch as that would have compelled them to carry on war in two quarters, the Consuls were requested to visit Atua in person in order to restrain the Chiefs by persuasion from hostile acts against the Government. We declared our readiness and sent word on the 17th instant to the Atua Chiefs that we would see them at one of their principal places on the 19th or 20th. At the same time messengers of the Government went from Mulinuu to their people, urging them to make a speedy advance upon the rebels.

On the 19th, after the Aana party had abandoned a position, the main battle was fought and the men of Aana were driven back as far as Mulifanua and beyond. On the 20th, before any reliable intelligence concerning the result of the battle had been received, the Consuls had a conference at Saluafata, in Atua, lasting several hours, with the Atua Chiefs, who were finally persuaded to defer their so-called peaceful entrance into municipal territory to a future time, in return for which we promised them that we would do what we could to bring about general peace.

How many dead and wounded there were after this uprising is not certainly known. Twenty-one wounded men were sent by the Government party to Apia for medical treatment, from which it may be inferred that the total number was pretty large. A law, drafted by the Chief Justice and approved by Malietoa, forbidding the cutting off of heads, was wholly disregarded by both parties during the prevalence of hostilities, as was to be expected.

The conquerors are said to have acted badly in Aana, as is their wont. Many cocoa palms and breadfruit trees are said to have been cut down and the houses of the enemy to have been destroyed.

Tamasese is said to have fought in the front ranks of the rebels. It is denied that he has been regarded by the rebels as a party leader or king, or that he has been treated as such. His participation in the uprising may be in part attributable to the fact that he expected, in case of a successful result, that the German Government would support him and his authority. How he came to take this view, which he expressed in Mulifauna to several white persons, as well as to natives, I do not understand. Neither by me (I have spoken to him but once for a few moments since my arrival at Apia) nor by any other person in office have any communications been

made to him in the above sense. The Government troops found a letter in Aana, which had apparently been written by one of the captives in Mulinuu, in which the writer informs the rebels that the German Consul advised them to make a quick attack on Mulinuu and to overthrow Malietoa's Government. The investigation of this matter is not yet ended.

There is now fresh ground for the apprehension that the situation of the whites will become worse every time that there is a new war. Independently of the extensive robberies from which the Mulifauna plantation has suffered this time, the rebels first, and after their departure the warriors of the Government, entered the store belonging to the German Commercial and Plantation Company, and likewise the planter's house. With a view to restraining the Government people from such violations of the rights of foreigners, Malietoa has issued, by the advice of the President, a general prohibition, and subsequently, at my request, a special one. Whether these have done any good is not yet known. At all events these occurrences show what the whites will have to expect if once the rebels come to Mulinuu and Apia as conquerors.

In accordance with the wish of the Government both warlike factions having suspended hostilities, the Consuls have entered into negotiations with the rebels, who are now, for the most part, in the south-west corner of Upolu, for the purpose of conferring with them concerning the restoration of peace and of inducing them to accept the conditions laid down by the Government and the Consuls. The victorious Government naturally makes some requirements, for instance, that the arms of its enemies shall be surrendered, and makes the evacuation of Aana dependent upon compliance with this requirement.

Should the efforts of the Consuls prove unsuccessful, a continuance of the contest by the Atua and portions of the Savaii party in the interest of the rebellion is not improbable.

I have made the foregoing statements to your Excellency with regard to the not specially important particulars of the present movement, inasmuch as they clearly show how confused and uncertain the present condition of things still is.

This statement shows that the assertion which has been made in a certain quarter that the war is a private quarrel between a district of Savaii and Aana, and that Aana has been unjustly attacked, is wholly without foundation. The difficulties between Savaii and Aana, which have, it is true, lasted for a long time, have influenced the general situation only in so far as the people of Savaii would otherwise scarcely so soon have obeyed the call of the Government to come to the Island of Upolu to assist it against the rebels.

I need not say that these troubles will have an unfavourable

influence upon the collection of the Samoan poll-tax for this year, and upon the entire financial administration of the Government.

Count von Caprivi.

BIERMANN.

Mr. Uhl to Baron Saurma.

EXCELLENCY, *Department of State, Washington, May 31, 1894.*

I HAVE the honour to acknowledge the receipt of your note of the 26th instant, transmitting a copy of a report from the German Consul at Apia, dated the 26th March, 1894, on the situation in Samoa.

Accept, &c.

Baron Saurma.

EDWIN F. UHL, *Acting Secretary.*

Mr. Gresham to Baron Saurma.

EXCELLENCY, *Department of State, Washington, May 31, 1894.*

I HAVE the honour to acknowledge the receipt of your note of the 7th instant, apprising the Department of the recent Resolution of the Municipal Council of Apia, instructing the President thereof to notify the Governments concerned of the adoption of the British currency at the rate of 4s. to the dollar, thereby excluding the German and American coinage. You say that the Imperial Government intends to instruct its Consul at Apia that in Article VI, Section 4, of the General Act of Berlin, concluded the 14th June, 1889, it is expressly provided that besides American dollars and cents other coins may circulate in Samoa at their standard value, and inquire whether this Government has received the Resolution to which you refer, and, if so, its position respecting the same.

Your note gives the Department the first intimation it has had of the adoption of such a Resolution by the Municipal Council at Apia. This Department has at no time been able to discern any ambiguity in the language of fourth section of Article VI of the General Act, whereby "it is understood that 'dollars' and 'cents,' terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies;" and therefore holds that by the formal engagement of the three Powers the money of account in Samoa is based on the United States' dollars and cents as units, without prejudice to the circulation of other coinage as currency at its equivalent intrinsic value as compared with the standard units. The arbitrary substitution of either the gold sovereign of England or the 20-mark piece of Germany, with the fictitious value of five United States' dollars assigned to it, in excess of its intrinsic value, appears to be a clear departure from

the engagement of the General Act, and while the terms thereof evidently contemplate the current circulation in Samoa of the gold coin of other countries, such as Great Britain and Germany, it does not admit of the alteration of the standard "dollars" and "cents" units of value which the Resolution of the Municipal Council of Apia, to which you advert, assumes to make.

The United States' Consular Representative at Apia will be given copies of this correspondence and instructed in accordance therewith.

Accept, &c.,

Baron Saurma.

W. Q. GRESHAM.

Baron Saurma to Mr. Gresham.

(Translation.)

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

June 1, 1894.

THE President of the Municipal Council at Apia has reported to the Imperial Government that the Samoan Government has decided to increase the salary of the native advocate. The aforesaid President has, at the same time, asked that identical instructions be issued by the Treaty Powers whereby all disbursements of Government money be made subject to his approval, his object in asking this being to prevent this money from being squandered, and also to prevent the Treaty Powers from being held responsible for any deficits that might thereby be occasioned.

The Consuls of the Treaty Powers have, it is stated, declared that they agree with the view taken by the President of the Municipality, which is in accord with the provisions of the Samoa Act, while a decision which has in the meantime being pronounced the case by the Chief Justice is adverse to it.

As a similar report has probably been received by your Excellency from Apia, I have the honour, in pursuance of the instructions of the Imperial Government most respectfully to inquire whether the United States' Government is prepared to instruct the American Representative to act in concert with his colleagues in supporting the position taken by the Municipal President, and I beg to be informed on this subject as speedily as may be, in order that I may telegraph the reply received to Berlin.

I avail, &c.,

W. Q. Gresham, Esq.

SAURMA.

Mr. Gresham to Baron Saurma.

EXCELLENCY, *Department of State, Washington, June 1, 1894.*

I HAVE the honour to hand you herewith a Memorandum in response to the one you delivered to me on the 25th ultimo relative to the conclusion of the labours of the Samoan Land Commission.

Accept, &c.,

Baron Saurma.

W. Q. GRESHAM.

(Inclosure.)—Memorandum.

IN view of the acquiescence of the German Government in the proposal which had received the concurrence of the United States and Great Britain, that the term of the Samoan Land Commission should be prolonged, and in view of the actual Agreement of the three Powers to extend beyond the limit fixed by the General Act of Berlin the period within which the labours of the Land Commission were to be concluded, the Government of the United States confesses to some surprise that the Imperial Government should now withhold its concurrence from a simple agreement of detail, and not permit the German and British Commissioners to finish their work.

This point will not, however, be further pressed, inasmuch as the United States' Land Commissioner, Mr. William Lea Chambers, will return to Samoa as soon as he can complete the personal business which obliged him to return at the conclusion of the period for which he was originally appointed under the General Act before the three Powers agreed to an extension of time.

Department of State, Washington, June 1, 1894.

Baron Saurma to Mr. Gresham.

(Translation.)

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

June 8, 1894.

IN reply to the esteemed note of Mr. Uhl, Acting Secretary of State, under date of the 3rd April of this year, I have the honour to inform your Excellency that the Imperial Government agrees to a further allowance of 1,000 dollars for the travelling expenses of Chief Justice Ide, in Samoa, and is prepared to assume the third part thereof, as its share. After the British Government has expressed itself to the same effect, and the United States have likewise assented thereto, the Imperial Consul at Apia shall be

instructed to confer with his American and his English colleagues respecting the joint payment of the sum in question.

In kindly requesting to be advised of the decision of the United States' Government respecting this matter, I avail, &c.,

W. Q. Gresham, Esq.

SAURMA.

Baron Saurma to Mr. Gresham.

(Translation.)

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

June 15, 1894.

I HAVE the honour to submit the following to your Excellency in connection with my note of the 1st instant respecting the disbursement of Government funds in Samoa.

Since the British Government has considered it not advisable to oppose the decision of the Chief Justice in Samoa, on the subject of expenditure of Government funds, the Imperial Government has been obliged, in order to check any further squandering of the same, to authorize the German Consul in Samoa to urge conjointly (with his British and American colleagues) economy upon the Samoan Government and to demand that all expenditures be made only with the advice of the President of the Municipal Council.

Should such action meet the views of the United States' Government, may I suggest to your Excellency to convey appropriate instructions to the American Consul at Samoa?

Requesting to be duly apprised of the decision [of your Government] in this matter, I avail, &c.,

W. Q. Gresham, Esq.

SAURMA.

Baron Saurma to Mr. Gresham.

(Translation.)

Imperial German Embassy, Washington,

MR. SECRETARY OF STATE,

June 16, 1894.

PURSUANT to instructions from my Government I have the honour to submit for your Excellency's information, hereto annexed, a copy of a report of the 24th April of this year, from the Imperial Consul in Samoa. It confirms the impression that a termination of the continual contentions and the devastation and cruelties incident thereto cannot be hoped for in the near future unless vigorous measures be introduced.

According to a cablegram of the 17th May of this year from the Commander of the Imperial cruiser *Bussard*, at Apia, further disturbances were expected, and the latest news that reached San Francisco by the steam-ship *Mariposa* announce, as may be known to your Excellency, the outbreak of the same.

In requesting to be apprised of the attitude which the United States' Government assumes towards these unchanged and threatening conditions, I avail myself, &c.,

W. Q. Gresham, Esq.

SAURMA.

(Inclosure.)—*Report from German Consul at Apia.—April 24.*
1894.

(Translation.)

I HAVE the honour to submit, for your Excellency's information, the following, supplementary to my Report of the 26th of last month :—

The intervention of the Consuls has not been without success, even if they have not been able to restore complete peace and order to the country.

On the 24th of last month we proceeded to the village of Falelatai, occupied by the Aana rebels in the south-west part of the Island of Upolu.

The negotiations with the leaders of the rebels led to an agreement whereby the rebels submitted to the following conditions :

Peace shall be restored, and as soon as the Government troops shall have evacuated the territory of Aana and the rioters have returned to their villages, they are to pay the money penalties of their Chiefs captured in the former revolt in Mulinuu; they are to build a road through Aana connecting with the one built by the Tuamasaga; they are to deliver to the Consuls fifty guns, and the Chiefs are to come to Mulinuu, and in the presence of the Consuls recognize Malietoa as the only King of Samoa and pay him homage.

Only with the greatest difficulty could we effect the acceptance of these conditions. The surrender of a greater number of guns was not to be obtained, as the insurgents, expecting Atua's assistance, would have chosen a continuance of warfare rather than deprive themselves entirely of their means of defence.

Though final victory would more than likely have been on the side of the Government, it was to our interest, notwithstanding, to bring about as quickly as possible a Treaty of Peace, even if not so favourable to the Government, in order to be able to withdraw the Government forces from the Aana territory. The latter were camped in the immediate vicinity of the German Mulifanua plantation, and drew their subsistence solely from the products of the plantation, and created much trouble on it. The plantation dwelling was continually surrounded by bands of warriors, annoying the white officials and labourers. At a meeting held at Mulifanua on the evening of the 30th (?) with the leaders of the Government

forces, the promise was renewed to us that foreign property should be spared as soon as order would come from the Government to evacuate Aana. Similar to the difficulties which we had to encounter to effect the acceptance by the insurgents of these lenient terms, were the difficulties we had the following day with the Government to make it satisfied with the conditions of peace, as, conscious of victory, it desired to impose more severe ones.

After breaking off the negotiations repeatedly and expressing the threat that a refusal of our wishes would be looked upon as an insult to the Treaty Powers, and perhaps conduce to deplorable results for the Government and its followers, they condescended to accept our proposals.

Before we went to the general meeting at Mulinu we had a prolonged interview with the Chief Justice and the President. The Chief Justice was sensible of being in an awkward position in consequence of the Decapitation Law, which he had caused to be instituted. We had pledged to the insurgents, that with the compliance with the terms of peace the war should be considered as at an end and no further judicial proceedings by the Chief Justice should take place. While we had not considered the Decapitation Law specially in the premises, we felt that the natives of Aana would reproach the Consuls with breaking their word if subsequently the Chief Justice should institute proceedings against those of their party who had taken part in the decapitations. The Government party would construe such action, as far as it might be affected, as a sign of deepest ingratitude on the part of Malietoa for its services and cause it to separate from him and go over to the opposition party. After a prolonged consultation, the Chief Justice agreed that it should be proposed to the Government that in the interest of peace, not only with reference to the insurrection itself but also for the violation of separate laws, no criminal proceeding should be instituted on the part of the Government. The Chief Justice recommended this proposal, and Malietoa and the Government accepted it.

It is understood that Stevenson, the author of the Decapitation Law, was very angry with the Chief Justice for his yielding attitude.

After the terms of peace had been accepted by both parties, they were then to be carried out. Here new difficulties arose. It is true the victorious Savaiians soon withdrew from Aana, but not to return to Savaii, but to settle on the frontier of the Tuamasaga towards Aana. The repeated attempts on the part of the President and the Consuls to induce them to leave here have not up to date been entirely successful. At first they again demanded that the Aanas should first return to their villages and comply with the terms of

the Treaty of Peace. After it was made clear to them that this could not be demanded of the Aanas, as they could only look upon it as a threat if the Savaiians remained at their frontier, the Savaiian Chiefs declared that they would return home as soon as they had celebrated a projected peace festival ("talolo"), and about 100 men should remain at Upolu for the protection of the Government. Before the appointed day for their departure had arrived, rumours were afloat that Atua had decided to make war against the Government in Aana's behalf. This gave new ground to postpone departure.

The arrival also on the 15th instant of His Majesty's cruiser *Falke*, and of the British man-of-war *Curacoa* on the 21st instant, have caused no definite change for the better.

The reports from Atua may have been exaggerated at the beginning, but it is certain that the party advocating war has gradually gained ground by the again postponed withdrawal of the Savaiians, and made probable a hostile advance on the part of Atua.

On Sunday evening, the 22nd, rumour was spread in Apia that the Atua people were advancing, and among the whites and Samoans reigned a perfect panic.

The Government in Mulinuu marched their people to the interior to resist a possible attack from that direction, and requested through President Schmidt that the men-of-war should prevent a boat attack by sea upon the seat of Government.

A consultation concerning this took place between the Consuls and the Commanders as to how far, in case of an attack on Apia and Mulinuu, the whites, that is to say, the Government, could rely on the protection of the men-of-war. If the men-of-war could not assist the Government directly, or at least indirectly, then we held that we did not have the right to further insist upon the withdrawal of the Savaiians and thereby to weaken the Government in a possible attack upon it by Atua and the Aana. Then, too, further sacking of the German plantations and robbing of the whites were to be foreseen.

The result of the consultation was that the Commanders issued a Proclamation which produced a good impression upon Malietoa and the Government, and it is to be hoped will prevent the people of the insurgent districts from advancing upon Mulinuu.

As soon as the Savaiians have left Upolu and the Aanas have retired to their villages, the Consuls will again enter into negotiations with them and then with the Atua people, in order to restore general peace. If it will succeed, and how long it will last, is a matter of conjecture. But among all those who understand the situation no doubt prevails that with the departure of the men-of-

war, if not before, fresh uprisings will take place. Causes for such the imaginative natives have always at hand.

BIERMANN.

Mr. Uhl to Baron Saurma.

EXCELLENCY, *Department of State, Washington, June 16, 1894.*

I HAVE the honour to acknowledge the receipt of your note of the 8th instant, wherein you say, with reference to Mr. Gresham's note of the 3rd April last, that the Imperial Government agrees to a further allowance of 1,000 dollars for the travelling expenses of Chief Justice Ide in Samoa, and is prepared to assume the third part thereof as its share. You add that, after the British Government has expressed itself to the same effect, and the United States have likewise assented thereto, the Imperial Consul at Apia will be instructed to confer with his American and British colleagues respecting the joint payment of the sum in question.

On the 28th ultimo the British Ambassador communicated the willingness of the British Government to pay its share towards this additional allowance to Mr. Ide, and said that, as soon as he should receive an intimation from this Department that the German Government had likewise assented thereto, he would transmit hither the sum of 333 dol. 34 c., being the share due from Her Majesty's Government.

I shall accordingly advise Sir Julian of the favourable decision of the Imperial Government, and suggest that, instead of sending hither the share of Her Majesty's Government, as he expressed an intention of doing, the Foreign Office at London be requested to instruct the British Consul at Apia to confer with his American and German colleagues upon this subject and each draw simultaneously upon their respective Governments for the sum of 333 dol. 34 c. in United States' money or its equivalent.

If you will have the kindness to see that the German Consul at Apia is so instructed, I will give the necessary directions to Mr Blacklock.

Accept, &c.,

Baron Saurma.

EDWIN F. UHL, *Acting Secretary.*

*Correspondence between the Department of State and the United States
Embassy at Berlin.*

Mr. Coleman to Mr. Gresham.

*Embassy of the United States, Berlin,
April 29, 1894.*

SIR,

I HAVE the honour to inclose herewith the full text of certain leading articles, accompanied by translations, relating to Samoan affairs, taken from the numbers of the "North German Gazette," published on the 26th and 28th instant.

Peculiar interest attaches to the utterances of this semi-official journal for the reason that they are generally regarded, when important political matters are discussed, as reflecting the views of the Imperial Foreign Office.

I have, &c.,

W. Q. Gresham, Esq.

CHAPMAN COLEMAN.

*(Inclosure 1.)—Extract from the "Norddeutsche Allgemeine Zeitung"
of April 26, 1894.*

(Translation.)

IN the sitting of the English House of Commons of the 24th instant the Under-Secretary of State of the Foreign Office confirmed the intelligence that the New Zealand Government has proposed to take upon itself the administration of the Samoan Islands. Sir Edward Grey remarked in this connection that this or any similar proposition appeared to be incompatible with the provisions of the Berlin Agreement.

One will not go far wrong in assuming that the action of New Zealand is due to the artificial machinations of Chauvinists in that country and in England. It is, indeed, unintelligible on what grounds the New Zealand or any other Colonial Government can base its claims to interfere in Samoan affairs. The existing Agreement, which is still in force, was concluded between England, Germany, and the United States. If it should be deemed necessary to amend or to annul this Convention, the negotiations would be conducted by the Cabinets of London, Berlin, and Washington alone, and they would doubtless take into consideration the present condition of the islands and the material interests of the nations represented there. New Zealand would not be considered at all, as it does not possess any interests in Samoa worth mentioning. The commercial interests in the islands, including under this term both trade in general and plantations, are almost exclusively in the hands

of the Germans. A systematic agitation coming from New Zealand or from any other English Colony cannot alter these stubborn facts.

(Inclosure 2.)—*Extract from the "Norddeutsche Allgemeine Zeitung"*
of April 28, 1894.

(Translation.)

THE article in the "Times" respecting the Samoan question, reported yesterday by telegraph, is now before us in its full text. The City sheet shares the opinion that the present situation in Samoa has become untenable, but fails to suggest any positive measure for its improvement. The proposal of the Government of New Zealand to take Samoa under its own administration is considered favourably, and the only misgivings expressed are based on the apprehension that England would be held responsible for the success of the experiment. As regards German claims on the islands, the paper remarks that English sentiment is not prepared to accept an exclusive German Protectorate over Samoa, for the reason that such Protectorate would involve some large questions of policy, alike for England and for the Australian Colonies, which could not be set aside by the rather irrelevant argument that the most important commercial interests there are in German hands.

Finally, the "Times" asserts that those who demand a German Protectorate in Samoa, and object strongly to the proposals of New Zealand, do not represent the preponderant opinion of the German people, but rather that there are many Germans who would gladly see the German Government freed from all responsibility in Samoa, and German interests safe-guarded under an English Protectorate.

The influence of the "Times" on public opinion in England is still too great for such statements to be passed over in silence. It is quite intelligible that an English newspaper should sympathize with the idea of an administration of Samoa by an English Colony. But, on the other side of the Channel, people must prepare themselves to learn that, from a German point of view, neither New Zealand nor any other English Colony has any business in Samoa, and that they have absolutely no right to meddle in the affairs of the islands. As is already known, negotiations are at the present moment in progress for a fresh settlement of the Samoan question, and it would be prejudicial to their success if such a distorted view as to the attitude of public opinion in Germany were to find currency in England. The "Times" characterizes the fact that trade and commerce in Samoa are almost exclusively in German hands as irrelevant, but it is exactly this point which is for Germany of decisive importance. There are in Germany unconditional opponents of a Colonial policy, who pursue their principles so far

that they would be willing to accept an English Protectorate over Samoa, but they are in the minority. On the other hand, the great majority of the German nation is of the opinion that, in consideration of the historical development of Samoa and of the preponderance of German interests there, a Protectorate of any country but Germany is out of the question. By representing this view as that of a Chauvinist minority, the City organ is leading the public opinion of England astray. We deplore this most sincerely.

CONVENTION between Russia and Persia for the Territorial Interchange of Firuzé in Khorassan, belonging to Persia, and Hissar, within the confines of the Transcaspian Region, and Abbas Abad, on the right bank of the River Araxes, belonging to Russia.—Signed at Tehran, ^{MAY 27,} _{JUNE 8,} 1893.

[Ratified by the Emperor of Russia, July 14, 1893.]

(Translation.)

In the name of God Almighty.

HIS Imperial Majesty the Emperor and Autocrat of all the Russias and His Majesty the Shah of Persia, being desirous, with a view to strengthening the ties of good understanding subsisting between them, of settling certain questions relative to the frontier-line between each country, have appointed as their Plenipotentiaries for concluding an Agreement on the points at issue the following, that is to say :

His Imperial Majesty the Emperor and Autocrat of all the Russias, Privy Councillor Eugene Boutzoff, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the Shah; and

His Majesty the Shah of Persia, his Sadrazam Mirza Ali Azghar Khan, Amin-ous-Sultan.

The said Plenipotentiaries concluded and signed the following Articles :—

ART. I. His Majesty the Shah of Persia, for himself and for his heirs, cedes to His Imperial Majesty the Emperor and Autocrat of all the Russias the village of Firuzé and the entire district between the frontier-line established in 1881* and the line extending from the Kenaré Mountains to the summit of the Bir Range.

By the present Article the description of the frontier-line given

* Vol. LXXIII, page 97.

in Article I of the Convention of the ^{9th}/_{21st} December, 1881, is cancelled in so far as it relates to this district.

All the remaining Articles of the Convention of 1881 retain their full force.

II. In exchange for the cession of territory to Russia mentioned in Article I, His Imperial Majesty the Emperor and Autocrat of all the Russias, for himself and for his heirs, cedes to His Majesty the Shah of Persia:—

1. The land along the right bank of the River Araxes, opposite the former fortifications of Abbas Abad, which passed over to Russia by virtue of Article IV of the Treaty concluded in Turkmanchai on the ^{10th}/_{22nd} February, 1828.*

2. The village of Hissar, with the tract of territory contained between the present frontier, and a line which shall run from the intersection of the said frontier with the Hissaro-Chilgan Canal along the right bank of the canal, shall skirt the east side of the village of Hissar, and, on intersecting the canal, shall proceed to the south-west up to the ravine, which is 2 versts from the Hissar mill ; after which the frontier-line shall run south to the point of intersection of the existing frontier with the Rudbar River (Zanghenauli-chai).

III. In consequence of the cession to Persia of the Abbas Abad district, the description of the frontier relating to that district in Article IV of the Turkmanchai Treaty is cancelled, and in its place it is determined that the frontier-line between the two countries shall run along the course of the River Araxes from Sherur to the Edibuluk ford, and further as defined in the Article above referred to.

All the other Articles of the Turkmanchai Treaty remain in full force.

IV. The accurate delimitation on the spot of the frontier of the Firuzé and of the Hissar districts, and the fixing of frontier marks, shall be carried out by Commissioners appointed by both Governments for this purpose, who shall also transfer and take over the districts named.

Nevertheless, the cession of the three districts mentioned, together with the right of immediately undertaking their administration, shall be considered complete and unconditional from the time of the exchange of the ratifications of the present Convention.

V. The frontier-line between the Russian and Persian possessions eastwards from the point defined in Article I of the Convention concluded on the 9th December, 1881, is fixed as follows:—

From Baba Durmaz the frontier-line follows the crest of the Ziriku Range south-eastwards towards the village of Khairabad, but

before reaching the latter it runs along the left side of the Durung-hiar (Huriz) Valley. Crossing over to the right bank of the River Durunghiar northwards from the village of Kale-Mir, it passes between the villages of Koklan (Kolkhan) and Shor Kale; the frontier-line then runs northwards, skirts Lutfabad on the west and north, and the village of Kuran on the south, then turns south-eastwards to the village of Shilghan, leaving the village of Tchukur Agil to the east, and skirting Shilghan on the north and east. From hence the frontier runs southwards between the villages of Shilghan and Maghenli to Kurghan-Khoshatepé; skirting the village of Hissar from the east, it first follows the right bank of the Hissaro-Shilghan Canal, and then, crossing over to the left bank of the same, runs in a south-westerly direction to the great ravine, from whence it follows a southward course up to the River Rudbar (Zanghenanli-chai). Crossing this river half a farsakh above the village of Kozghan, the frontier-line takes a south-easterly direction, passing to the south of all the villages (Kale) of Atek, and continues up to the rising of the mountains in the valley of Tedjen, then extending eastwards to the bed of the River Tedjen, which it joins somewhat to the south of the ruins of the fortress Koushut Kale. From this point the bed of the River Tedjen will serve as a boundary-line to the beginning of the Afghan possessions at Zulfagar.

Both Governments shall appoint Commissioners for accurately tracing the frontier-lines on the spot, and for erecting proper boundary marks after the transfer and entrance into possession of the said districts of Firuzé and Hissar.

VI. The Russian and Persian Governments shall have the right, during the term of one year after the exchange of the ratifications of the present Convention, to resettle the inhabitants of each of the mutually-ceded villages of Firuzé and Hissar within the confines of their own possessions.

Both Governments engage not to erect fortifications in the territories mutually ceded by the present Convention, and not to introduce Turkoman settlers into the said territories of Firuzé and Hissar.

VII. The Agreement concluded between the Representatives of the two Governments in 1884 relative to the distribution of land and water among the frontier inhabitants on either side is hereby confirmed, with the exception of those stipulations of the said Agreement which, referring to the mutually-ceded territories of Firuzé and Hissar, may require modification.

VIII. The present Convention shall be ratified by His Imperial Majesty the Emperor and Autocrat of all the Russias and His Majesty the Shah of Persia, and the said ratifications shall be

exchanged in Tehran within the space of four months from the day of signature, or earlier if possible.

In witness whereof the joint Plenipotentiaries have signed the present Convention, affixing the seals of their arms thereunto.

Done in duplicate, in Tehran, the ^{27th May}_{28th June}, 1893, and the 23rd Zilkadé, 1310, according to the Mussulman reckoning.

(L.S.) EUGENE BOUTZOFF.

In fulfilment of the written order of His Majesty the Shah this present Convention is signed by Sadrazam Mirza Ali Azghar Khan Amin-ous-Sultan.

(L.S.)

CONVENTION between the Greek Government and Messrs. Hambro of London, the National Bank of Greece, and the Bank of Constantinople, respecting the Greek Loan of 1893. — Signed at Athens, June 21, 1893.

[Approved by Royal Decree of June 11, 1893.]

ENTRE le Gouvernement Hellénique, représenté par son Excellence M. S. Sotiropoulos, Président du Conseil, Ministre des Finances, d'une part, et MM. C. J. Hambro and Son, de Londres, représenté par M. Leonard Mercati, Directeur de la Banque Ionienne (Limited) à Athènes, M. Paul Calliga, Gouverneur de la Banque Nationale de Grèce, représentant le dit Établissement, et MM. Eustache Eugenidi et Georges Athenogènes, représentant la Banque de Constantinople, d'autre part, il a été conclu ce qui suit :—

ART. I. Pour soutenir les cours de l'emprunt Hellénique 1893 les contractants de seconde part s'engagent à acheter sur les divers marchés où le dit emprunt aura été émis, jusqu'à concurrence de 220,000*l.* Stock toutes les fois qu'il en est offert à un prix équivalant à 65 pour cent Londres. Cet engagement s'étend sur une période de quatre mois, commençant le ¹/₁₅ Juin, 1893. Les participations des contractants de seconde part sont établies de la façon suivante : MM. C. J. Hambro and Son, 125,000*l.* ; la Banque Nationale de Grèce, 55,000*l.* ; la Banque de Constantinople, 40,000*l.* ; total, 220,000*l.* Les opérations d'achat seront effectuées par MM. C. J. Hambro and Son pour compte des contractants de seconde part dans les proportions ci-dessus énoncées.

II. A titre de prime le Gouvernement alloue aux contractants de seconde part 5 pour cent sur la susdite somme de 220,000*l.* à raison [1893-94. LXXXVI.] 4 L

de 6,250*l.* à MM. C. J. Hambro and Son, 2,750*l.* à la Banque Nationale de Grèce, et 2,000*l.* à la Banque de Constantinople, payables aussitôt après la signature de la présente.

La présente sera ratifiée par Décret Royal.

La présente Convention ainsi que tous les actes y relatifs sont affranchis de tout droit de timbre.

Faite en quatre originaux à Athènes, le 3^r Juin, 1893.

(L.S.) S. SOTIROPOULOS, *Président du Conseil, Ministre des Finances.*

(L.S.) L. MERCATI.

(L.S.) E. EUGENIDI,

(L.S.) G. ATHENOGENES.

(L.S.) P. CALLIGAS.

DECREE of the Government of Mexico, for the Definite Settlement of the National Debt.—Mexico, September 6, 1894.

(Translation.)

Section I.—General Measures and Bases of the Convention.

ART. 1. In order to complete the definite settlement of the National Debt, steps shall be taken to clear up and consolidate all the credits and claims of legitimate origin chargeable to the Federal Treasury which have not been previously arranged, and also to convert the bonds referred to in the present Decree, in the manner and on the conditions hereinafter specified.

2. All the credits, securities, and claims which might have been admitted to the conversions decreed by the Laws of the 14th June, 1883,* the 22nd June, 1885,† and the 27th May, 1889, but were deferred on account of not having been presented at the Public Debt Bureau within the periods fixed by the two last Laws cited, shall enter into the present conversion and consolidation.

3. There shall also enter into the conversion and consolidation those credits, securities, and claims which were presented at the offices of the Public Debt in accordance with the Laws mentioned in the preceding Article, and which were declared to be deferred by a definite decision of the Public Debt Bureau or of the Ministry of Finance; as also those which may have been disallowed solely and exclusively for lack of proper representative powers on the part of the claimant, or for non-presentation of proofs which may exist in the Federal Offices, and which, in spite of having been asked for within the period fixed by law, were not produced in time by the said offices. A declaration made by the latter to the effect that the

* Vol. LXXV, page 121.

† Vol. LXXVI, page 358.

documents and proofs asked for are not in their possession shall be sufficient for the said credits and claims to be immediately disallowed.

4. The Agreement of the 23rd June, 1886, in virtue of which the recognition and conversion of the old debt contracted in London was made, shall remain in full force. The small balance of that debt, which still remains in circulation and unconverted, shall continue to enjoy the interest and other privileges which are conceded to it in the said Agreement, and in strict accordance with the same.

5. Those credits and claims shall be equally admissible for conversion which had their origin subsequent to the 30th June, 1882, and until the corresponding day in 1894, and shall be divided into two classes for the effects of this Decree.

To the first class belong the credits recoverable in cash arising from subventions to railway companies and other works of public utility; the sums due for freights and passages chargeable to the Government; and, generally, the credits arising from loans, for current expenses or otherwise, provided they are made in cash, from mortgages, and from contracts of purchase and of hire, by virtue of which the Government may be expressly bound to make the payments in coin within periods which have already expired; as also outstanding notes, drawn by the general Treasury against subordinate offices.

To the second class belong credits for salaries, travelling allowances, pensions, allowances to families of public servants, emoluments, honorariums, gratuities, shares in fines and remunerations; certificates of arrears of pay issued in accordance with the Dispositions of the 28th May, 1886, the 10th November, 1888, and the 8th November, 1892; and, in general, all credits not expressly included in the first class.

6. Lastly, a special class shall be formed of the securities consisting of certificates or bonds issued subsequent to the 30th June, 1882, by way of subventions to railway companies and other works of public utility, which shall enter into the conversion on the terms and for the effects of Articles 11 and 12 of this Decree.

7. The conversion of all the credits, securities, and claims mentioned in Articles 2 and 3 of this Decree shall be made in bonds earning 3 per cent. interest created by the Law of the 22nd June, 1885, under the name of "Consolidated Debt of the United States of Mexico," and shall be subject besides to the following Regulations:—

(a.) Credits previous to the Decree of the 28th June, 1824, and fulfilling the conditions called for by it, shall be converted at 32 per cent. of the amount of the principal, and without allowance for interest;

(b.) The credits originated subsequent to the Decree mentioned in the preceding paragraph, but prior to the 30th November, 1850, shall be converted at 48 per cent. of the amount of the principal, with forfeiture of interest;

(c.) Those contracted after the 30th November, 1850, but before the 1st July, 1882, shall be converted at 64 per cent. of the principal, likewise without allowance for interest;

(d.) If the credits mentioned in the preceding clauses come within the conditions mentioned in the latter part of clause (d), Article 3, of the Decree of the 27th May, 1889, the conversions shall be made at 12 per cent.;

(e.) Bonds arising from previous conversions and securities payable to bearer shall be converted at 64 per cent. with forfeiture of interest, only excepting the case dealt with in Article 4 of this Decree;

(f.) The securities and credits referred to in the foregoing clauses which may have been presented to the offices of the Empire shall be subject to a reduction of 4 per cent. on the amount of principal recognized, besides forfeiture of interest, and from the net balance remaining shall be made the deductions provided for in the said clauses.

8. The conversion of securities and credits of a date subsequent to the 30th June, 1882, and belonging to the second of the classes established by Article 5, shall also be made in bonds of the 3 per Cent. Consolidated Debt.

This conversion shall be made at par and without distinction of dates, Article 6 of the Law of the 14th June, 1883, being, in this respect, hereby modified.

The certificates payable in bonds, referred to in the Law of the 8th November, 1892, shall be exchanged in the proportion specified in Article 14 of the said Law.

9. Certificates for deferred interest issued by the Public Debt Bureau in accordance with the Law of the 22nd June, 1885, and not exchanged under the terms of clause (f), Article 3, of the Decree of the 27th May, 1889, shall also be converted into bonds of the 3 per Cent. Consolidated Debt in the proportion fixed by said clause (f).

10. Claims belonging to the first of the classes referred to in Article 5 shall be convertible at par in special bonds created by another Decree of this date,* under the name of "Internal Redeemable Debt of the United States of Mexico," and shall bear interest at the rate of 5 per cent. per annum.

11. The securities of the National Debt mentioned in Article 6 shall be convertible in bonds of the new Internal 5 per Cent. Redeemable Debt, and shall be exchanged for them in the proportion for each class of those securities by the Ministry of Finance,

* See page 1268.

in view of the interest, security, mode of payment, period of redemption, and other conditions of the securities already issued.

The proportion in which the new securities should be issued in relation to the old ones shall be determined by assigning to the former a value above par, when the bonds to be converted do not bear more than 5 per cent. interest per annum, and below par only when said bonds bear more than 5 per cent. interest, provided always that the interest service of the converted bonds be less than that of the amount to be converted, taking into due account in order to make the comparison the actual value of the securities.

12. Creditors who have to receive bonds of the Internal Redeemable Debt may apply to the Ministry of Finance to receive, instead, bonds of the 3 per Cent. Consolidated Debt, at the rate of 145 dollars, face value, of the latter for every 100 dollars, face value, of the 5 per cent. bonds of the Redeemable Debt which they may be entitled to receive.

This right may be availed of even after receiving the provisional certificates mentioned in Article 68, but before the expiration of the term fixed by Article 14, and before the delivery of the 5 per cent. bonds. When the proper declaration has once been made it cannot be recalled.

13. In the conversion of securities, credits and claims posterior to the 30th June, 1882, interest will not be paid except when it has been expressly stipulated.

14. Only those creditors shall be entitled to the benefits of the present conversion whose claims are comprehended in the foregoing Articles, and who present them, with the formalities mentioned in the present Decree, before the 1st July, 1895.

15. The following credits, securities of the Public Debt and claims are for ever barred, and can at no time constitute a right nor be held to be in any way binding against the nation :

(i.) Those originating with the *de facto* Governments which ruled in Mexico from the 17th December, 1857, to the 24th December, 1860, and from the 1st June, 1863, to the 21st June, 1867; and, in general, all those which were declared to be not admissible to the conversion decreed by the Law of the 22nd June, 1885, and the 27th May, 1889, in accordance with Article 17 of the first of the said Laws ;

(ii.) Those which having been presented to the offices of the Public Debt under the Laws of Conversion of the 22nd June, 1885, and the 27th May, 1889, were not recognized or were definitely rejected by administrative decision, except for the cases provided for in the second part of Article 3 of the present Decree ; and those which have been rejected by judicial decisions ;

(iii.) Interest, whether or not stipulated for, on claims prior to 1st July, 1882 ;

(iv.) All the credits comprehended in Articles 2 and 3 of the present Decree not presented for conversion within the period fixed in the foregoing Article, or in respect of which, though duly presented, the interested parties do not comply with the requisites called for by the present Decree;

(v.) Those which, after being examined in accordance with these dispositions, are not admitted.

16. The conversion is voluntary for all the creditors whose rights to the payment of their respective credits have originated subsequent to the 30th June, 1882. In consequence:

(i.) Credits arising from loans, whether for current expenses or otherwise, made in cash, with or without interest; loans secured by mortgage; those which in virtue of an express contract to that effect must be paid in coin and to which specific sources of revenue were assigned as a special guarantee; and lastly, bonds of the National Debt issued in favour of railway companies and other public works, shall preserve intact, even though not presented for this conversion, all the rights at present attached to them, both as regards capital and interest, their status therefore remaining in all respects the same as now;

(ii.) Claims arising from outstanding subventions not guaranteed by a special assignment of revenue; those which emanate from sales effected on a cash basis; and in general all those belonging to the first class and which are not specially comprehended in the foregoing clause, shall likewise not suffer either as to capital or interest by reason of their non-presentation for conversion; but in such a case the said claims shall cease to bear interest after the 30th June, 1895, and shall not begin to be paid off in cash, either wholly or partially, or be amortised in any other way, notwithstanding all existing stipulations to the contrary, until the 1st July, 1899, and then only according as the circumstances of the Treasury admit of and after an appropriation has been assigned in the Budget of expenditure for that purpose;

(iii.) Credits of the second class and certificates of the Public Debt Bureau, with respect to claims recognized and liquidated but not presented for conversion into 3 per cent. bonds within the period fixed by this Decree, shall also remain deferred on the conditions laid down in the foregoing clause; but they shall never be paid in cash at a rate exceeding 30 per cent. of their face value;

(iv.) Certificates issued by the Public Debt Bureau for deferred interest, in virtue of the Law of the 22nd June, 1885, and which, not having been converted according to the Law of the 27th May, 1889, may also fail to be submitted to the present conversion, shall remain deferred on the same footing as the credits mentioned in

clause (ii) ; but they shall never at any time be payable in cash at a rate exceeding 5 per cent. of their face value.

17. Credits arising from salaries, travelling expenses, pensions, allowances to families of public servants, emoluments, fees for special services and shares of fines, the holders of which on the expiration of the term of the 30th June, 1895, have not presented them for conversion nor have asked for the respective certificates of credit, are excepted from the provisions of the preceding Article, and such claims shall be regarded thenceforth as for ever barred in favour of the nation, if the services on which they were based were rendered prior to the 1st July, 1890.

In like manner all credits of similar nature shall lapse in future when the interested party allows five fiscal periods to elapse without applying for the certificate of arrears due to him, and the Federal Treasury shall proceed to cancel all credits coming under these conditions.

18. The reduction contained in the last part of clause (ii) of Article 16 is not applicable to those credits the right to the recovery of which has originated subsequent to the 30th June, 1892, nor is the one mentioned at the end of clause (iii) of the same Article applicable to unpaid balances of Budget appropriations during the fiscal year 1893-94, since both of these credits may be paid off wholly or in part, according as the conditions of the Treasury allow of it, out of the appropriations of the current and future Budgets assigned for the settlement of the arrears of previous fiscal periods.

19. The examination, liquidation and conversion of all claims presented in virtue of the present Decree shall terminate on the 30th June, 1896. Therefore on that date the issue of bonds of the Internal Consolidated Debt, authorized by the Laws of the 14th June, 1883, and the 22nd June, 1885, shall definitely cease, so that in future no more bonds of that issue can be given out on any pretext whatever. The issue of bonds of the first series of the Internal Redeemable Debt shall also cease on the same date ; but in special cases, and only when it is desired to convert securities of the kind mentioned in Article 6, the Executive may, with the approval of Congress in each case, issue bonds of the first series sufficient to make up the total authorized amount of said issue.

Section II.—Regarding the Offices specially charged with the carrying out of this Decree.

20. From the 1st October of the present year a Liquidating Committee shall be established in the City of Mexico, which shall

be charged with the registration and investigation of all the credits and claims which may be presented in virtue of Articles 2 and 3 of this Decree.

The Liquidating Committee shall likewise take cognizance of the credits and claims originated subsequent to the 30th June, 1882, which, requiring to be cleared up and recognized for their conversion, may be submitted to it for this purpose by the Ministry of Finance.

21. The Liquidating Committee shall be composed of three persons; a President and two ordinary members, who shall be appointed by the Ministry of Finance, which shall also determine the staff of the office and appoint the employés to fill the same, fixing likewise the salaries the latter shall receive. The said Committee shall conclude its task on the 29th February, 1896, and shall regulate its proceedings strictly to the present Decree, in such a manner that by the said date it shall have decided all the cases submitted to it.

The Ministry of Finance shall likewise appoint the person or persons who shall represent the Treasury, and whose opinions shall be asked for in all matters.

22. The Liquidating Committee shall decide by majority of votes all points relating to the representative powers of the claimants, and those involving the total or partial recognition or rejection of the credits or claims presented to it.

The procedure to be adopted in dealing with the "dossiers" until they arrive at the stage of pronouncing judgment shall be determined by the decision of one of the members of the Committee; for which purpose the various claims shall be taken in turn in accordance with the special regulations or dispositions which may be decided on.

23. The Agents of the Treasury in the States, and the Mexican Consuls-General abroad, shall only perform the duties of mere routine which may be enjoined on them by the present Decree; but without any authority to give decisions of any kind, and obeying, in everything relating to the investigation of the Debt, the instructions conveyed to them by the Liquidating Committee.

24. Each month, until the end of the term fixed for the business of investigation and conversion, the Liquidating Committee shall forward to the Ministry of Finance a return showing the number of credits and claims presented, and the number of those decided, expressing the amounts claimed and those admitted.

25. The Treasury-General of the nation is charged with the exchange of the securities, whether this has to be done in view of the recognition of a debt decided by the Liquidating Committee, or in fulfilment of the provisions of Section V of this Decree and

of regulations on the subject which may be issued by the Ministry of Finance.

Section III.—*Presentation and Registration.*

26. Creditors residing in Mexican territory shall present their credits and claims at the offices of the Liquidating Committee or at the Federal Revenue Offices. In the territory of Tepic they shall do this at the Inland Revenue Offices, and in Lower California at the respective custom-houses. Those residing abroad shall present them at the Mexican Consulates-General. The above is to be interpreted without prejudice to the dispositions of Section V of this Decree.

In all these offices a book shall be opened in which the credits or claims presented at the same shall be registered, in the order in which they are presented, and with consecutive numeration.

27. The Federal Revenue Offices and those which substitute them, and the Consulates, shall forward each month to the Liquidating Committee a copy of the entries made in their respective registers, and the latter office shall draw up from these data a special register comprising all the credits and claims presented at such outlying offices.

28. By the mere fact of the presentation of a credit or of a claim at the offices charged with the investigation, recognition, and conversion of the National Debt, it is understood that the party interested accepts the conversion from that moment, and submits without reserve a further recourse to all the decisions which may be given by the Liquidating Committee or by the Minister of Finance, as the case may be. Any restriction or declaration to the contrary will be held to be without value.

29. The presentation for the purpose of registration of all kinds of securities, credits, and claims shall be made by means of an invoice in duplicate, dated and signed by the interested party the day of the presentation, and containing the data which is required in each case by the following Articles. Once the two copies of the invoice have been checked with the original documents, the acquiescence of the office shall be indorsed on their margin, and one copy with a receipt for the papers at the foot shall be handed to the interested party, the other remaining in the possession of the office.

30. If the presentation be made in the States or Territories of the Republic or abroad, the interested party shall inclose three copies of the invoice, which shall be compared and indorsed as in accord by the respective office. One of the said copies shall be returned to the interested party with the receipt for the documents at its foot; the second shall remain in the archives of the said office; and the third

shall be forwarded by the latter, together with the documents, to the Liquidating Committee.

31. The receipt issued by the said office shall be taken back in all cases from the interested party when, on carrying out the final decision, the certificate by means of which he will receive the corresponding bonds is delivered to him, or when the documents presented are returned to him on account of the credit or claim being disallowed.

32. In dealing with securities to bearer the invoice shall express: the name of the office that issued them, the date of the issue, the category under which it came, and the series, letter, number, and nominal value of the security presented.

With regard to securities to order of a general character, there shall be further expressed the name of the person in whose favour they were issued, and that of the actual holder.

If the credits or claims should be supported by public deeds or other documents not of the nature mentioned in the preceding paragraph, all the documents presented shall be specified as proofs of the credit claimed, stating the number of leaves of which each is composed, and mentioning the functionary, official, or authority who drew them up, the place and date where it was done, the origin of the credit, and its nominal value.

33. The credits and claims which the interested parties may not be able to prove with documents shall, on being registered, be accompanied by a declaration in which shall be stated: the name of the person in whose possession they are and that of the one in whose favour they were originally issued; if they have been transferred to a third party, the legal cause of such transfer, and, as far as possible, the nominal value of the credit or claim, the date or period when it originated, its origin, and the office, Court, or Protocol where proofs may be found, or where it is likely they may be found. The registration shall be made in accordance with these data.

34. In all those cases in which a fixed amount may have been granted by way of premium, the amount corresponding to the premium shall not be admitted—being equivalent to interest—except in the cases in which the latter would be allowed in accordance with the provisions of the present Decree.

35. In dealing with securities to bearer, it is understood that those who present them do so in their own right, unless they specify to the contrary. In other cases a definite declaration shall be put in as to whether the presentation is made in the name of the person making the same, or in the name and representation of a third party, and this declaration must without fail appear in the register.

36. On making the registration, the endorsement to the effect

that they have been registered for the purposes of conversion in the proper book must be entered on each of the documents and on the accompanying application, in accordance with this Decree, stating the number under which the registration is made.

37. The applications, documents, and proceedings relating to the registration, liquidation, and investigation of the credits and claims presented, shall be made on plain paper, and the respective office shall stamp each sheet of the "dossier."

38. All remittances of documents which under this Decree are made between the Federal Revenue Offices, the Consulates, and the Liquidating Committee, must be made by post under registered cover, and the receipts for the same shall be added to the "dossier."

The Federal Revenue Offices and the Consulates shall forward every month to the Liquidating Committee a detailed return of the documents which they may have sent during that month relative to the credits and claims presented before the said offices, in order that the Committee may satisfy itself that the said documents have arrived at their destination.

39. The registration shall be made in accordance with the data of the invoice. The note of registration has no further effect than that shown in this section; it does not establish the amount nor the validity of the credit, nor improve in any way the rights of the creditor. Once a credit is allowed or rejected, the corresponding entry shall be made in all the books in which it may have been registered.

40. The Tribunals and Courts in which claims against the Federal Government may be pending shall, on pain of suspension of the Secretaries of the same, duly notify the Liquidating Committee of the same, within the period of three months, counted from the date of this Decree, specifying the circumstances referred to in Articles 32 and 33, as also the present state of the said proceedings, giving the date of the last hearing. In case a decision has been pronounced in any Court, which has not yet been made effective, the sentence itself shall be inserted. These notices shall be transcribed in a special register to be opened by the Liquidating Committee, without their producing, however, the effects of the registration applied for by the interested parties, who within the time allowed by this Decree can present their claim before the Liquidating Committee, provided that their rights have not lapsed, and that the formalities called for by clause (iii) of Article 42 be complied with.

41. All claims pending administrative decision, for acts prior to the 1st July, 1892, shall cease to be proceeded with from the date of the present Decree, and the interested parties should petition the Ministry of Finance to have the evidence connected with them

forwarded to the Liquidating Committee for registration, and in order that it may arrive at a proper decision; on the understanding that, should the said interested parties not fulfil this requirement, they will be the ones to suffer any prejudice that may arise, according to the nature and date of origin of their claims.

Section IV.—*Regarding the Investigation and Liquidation.*

42. The revision of no credit or claim shall be proceeded with, if it labours under any of the following defects:—

(i.) That of not being registered according to the provisions of this Decree;

(ii.) Of being comprehended under clauses (i), (ii), or (iii) of Article 15, or under Article 17, of this Decree;

(iii.) Of it not being proved, in the case of a claim pending before the Tribunals, that the claimant has desisted from the suit in legal form, and unreservedly submitted his rights to the decision of the Liquidating Committee or the Ministry of Finance, as the case may be.

43. Those credits and claims shall be at once disallowed which come within the conditions provided for in clause (ii) of the preceding Article; and those which may be comprehended in clauses (i) and (iii) shall not be considered to be presented until the interested parties make good the defects under which they labour.

44. If in the claims which may be *sub judice* it shall result that more than twenty years have elapsed since the last step taken by the interested party, the Liquidating Committee shall declare itself incompetent to decide the case, and the Federal Tribunals shall continue to take cognizance of it, as if its discontinuance had not taken place; but the question of forfeiture by lapse of time shall be taken into consideration *de officio* by the said Tribunals in pronouncing their decision, without the fact of application having been made to the Liquidating Committee, or any other action taken by the interested parties through administrative channels, being admitted as having any effect in interrupting the continuity of inaction.

45. In every case a special decision shall be arrived at before any other steps are taken in regard to the representative powers of the claimants who seek the conversion of securities or credits other than to bearer. Their representative power shall be established by the methods of common law when not opposed to the provisions of this Decree.

46. For all the steps it may be necessary to take in the name of a third person before the Liquidating Committee or the Ministry of Finance, a letter of authority, signed before two witnesses with legal

formalities, shall be sufficient if the credit or claim in question does not exceed 1,000 dollars; but in case it does, the signatures must be legalized before a notary, or at the offices where the registration of the credits is made. In all other cases a power of attorney in due form is necessary.

47. In order to be able to receive the new securities the power must contain an express clause to that effect, and the attorney may be required, where it is deemed expedient, to prove the survival of the grantor.

48. If the claimant be declared to lack representative power, all proceedings shall be suspended until the defects in the power are made good, or until the actual owner presents himself. On the conclusion of the work of the Liquidating Committee, all credits and claims which may have been presented by persons insufficiently authorized shall remain in the same condition as if they had never been presented.

49. Once the representative power is admitted, the absence of the representative or the inaction of any interested party shall not be a bar to proceeding with the examination of the case, as the Liquidating Committee or the Ministry of Finance, as the case may be, shall follow it up *de officio* until a decision is come to with respect to all the credits and claims presented.

50. All decisions whatsoever which may be given by the Liquidating Committee or by the Ministry of Finance shall be made known to the interested party personally if he presents himself at the offices within three days; but if not, it shall be done by means of a notice in the Official Journal ("Diario Oficial") of the Government of the United States of Mexico.

51. Once the question of representation is settled, the interested parties shall be allowed a period of eight days within which to solicit, should they think it advisable, a term for submitting evidence the length of which can in no case exceed three months, reckoning from the date on which it was decreed. During the said period they can furnish all proofs admissible by common law; and those which, if asked for in time, may not have been furnished within the period allowed for evidence, due to the action of any Government offices, may, nevertheless, be presented within the further term which may be granted by the Liquidating Committee for that purpose, and shall not exceed thirty days. In such a case the Liquidating Committee shall *de officio* notify the matter to the Ministry of Finance on granting the extra time for proof, specifying the offices which had not furnished the reports or the proofs asked for, in order that the said Ministry may obtain them direct from the said offices, or from the State Departments to which they may belong.

For the Liquidating Committee the period of proof has no limit, therefore it may at any time order the inquiries to be made which it may see fit.

52. The Liquidating Committee is empowered :

(i.) To apply to the Tribunals and offices of the Federation or of the States, and to the offices of notaries public, for whatever documents they may consider to have a bearing on the subject before them ;

(ii.) To examine or order the examination of the books of the public offices and archives, as well as the protocols of the notaries, and to order the verification of copies of documents ;

(iii.) To order evidence to be received before the judicial authorities, in the presence of the representative or special agent of the Treasury.

53. On the conclusion of the period allowed for proof the "dossier" shall, without any further formalities, be placed at the disposition of the interested parties, in the offices of the Liquidating Committee, in order that they may declare in writing anything they may consider to their interest to do, within the term of twenty days reckoned from that on which the period of proof expired. At the end of the said twenty days, after a report has been submitted by the representative of the Treasury, the decision of the Liquidating Committee shall be given, admitting or rejecting the credit.

54. The Liquidating Committee, in determining the procedure of the cases, shall observe the following rules :—

(i.) It shall satisfy itself of the authenticity of the documents presented, especially as to whether they were issued by competent authority and in proper form ;

(ii.) It shall likewise satisfy itself that there has been no error in the arithmetical calculations ;

(iii.) It shall require that credits resulting from forcible occupation, or supplies furnished in money or goods to forces of the National Government, or to the Government itself, shall be proved by the orders or contracts countersigned by duly authorized civil or military authorities, and by the certificates or receipts for the effects supplied issued on the day of delivery, and given out by the proper offices or by Commissioners appointed by those offices. Credits contracted in favour of local authorities shall not be admitted when the latter have merely enforced payment of the amounts which, under the name of forced loans or otherwise, may have been decreed by the said civil or military authorities ;

(iv.) The credits arising from loans imposed by the National Government or by any other authority or military chief, duly authorized, shall be proved by the corresponding order and by the certificate of payment or receipt, issued on the day of its delivery

by the receiving office or by the Commissioner appointed for that purpose;

(v.) In case the office which in accordance with the foregoing laws ought to issue a liquidation or certificate should have been suppressed, the document shall be furnished by the office in whose charge the archives exist;

(vi.) When the credit is for arrears of salaries, allowances to families of public servants, pensions, remunerations, and other unpaid balances of Budgets previous to the 1st July, 1882, the Committee shall obtain the respective liquidation from the Treasury-General;

(vii.) The value of the proofs which may be submitted shall be determined in conformity with the provisions of the present Decree, and, failing that, with those of the Code of Civil Proceedings of the Federal district;

(viii.) When there may be reasons for suspecting that false proofs or documents have been presented, and, in general, that a punishable offence has been committed, the case shall be submitted to the competent authority, all proceedings in the formation of the "dossier" being suspended, and the Ministry of Finance being notified in order that it may determine what action shall be taken;

(ix.) It shall liquidate the credits arising from allowances to families of public servants, or civil or military pensions, from the date of the issue of the grant, or, failing that, from the date of the respective declaration.

55. When on the examination of a credit it may prove to be comprised in clause 9 of Article 1 of the Law of the 14th June, 1883, and that, whatever the date may be, a solution strictly in accordance with the Law is impossible, the Liquidating Committee shall mention this in their decision, and shall propose to the Ministry of Finance equitable bases which, in conformity with the said principle, may, in their opinion, be of service for bringing the liquidation to an end.

56. The decisions of the Liquidating Committee shall be made known to the interested parties in the manner provided by Article 50, and if the latter consent, or if within eight days of being notified they do not object, they shall be considered as consenting, and the conversion shall be carried out for the sum which may be due to them as the result of the decision in question.

57. If in proper time an objection should be made before the Liquidating Committee, the "dossier" shall be at once handed over to the Ministry of Finance, to which Department the interested parties can apply, setting forth anything which it may suit their interest to do, in regard to the decision appealed against, within

a month from the date of the latter; but they shall not be able to produce any additional proof unless the said Department should decide to the contrary.

The decision of the President of the Republic shall be final, and all recourse, of whatever kind, which may be attempted against it shall be at once rejected, as well by the administrative as by the judicial authorities.

58. Decisions which may be given on a claim in which various parties may be interested, whether conjointly or not, and which may have been presented by one of the parties only, in respect to the part belonging to him, shall produce the same effects and carry the same weight as a case definitely decided, in so far as regards the remaining parts of the claim which, subsequent to the said decision, may be presented by any other of the joint owners.

59. On a credit or claim being recognized and liquidated, the respective entries shall be made in a book which shall be opened for this purpose, each entry being certified by the signature of one of the members of the Committee. The respective registers shall likewise be annotated, and a certificate shall be issued to the interested party, taken from a book with counterfoil in order that he may apply to the Treasury-General of the nation to receive the bonds belonging to him. The Liquidating Committee, the Treasury, and the interested parties shall be subject, as far as they are concerned, to the provisions of the Supreme Order of the 17th November, 1886, and to those relating to the same which explain or modify it.

60. A "dossier" once finished, all the documents of which it is composed shall be cancelled by means of a punch, which will allow of the whole of the text of the said documents being read.

If the credit, security, or claim should be rejected, the respective documents shall be returned to the interested party if he asks for them within the period of one year, after cancellation by means of a punch, the reason for the rejection of the credit, security, or claim being specified on the first and last pages.

61. If the documents which prove the responsibility of the Government form part of protocols of notaries or of "dossiers" or archives of public officers, they shall be cancelled for account of the interested parties and the respective minutes shall be entered on the originals, before the issue of the order for the delivery of the corresponding bonds.

Section V.—Regarding the Exchange of Bonds and the Operations of the Treasury.

62. The Treasury-General of the nation shall have charge of the livery of the new bonds, subject to the provisions of this Decree

and to the instructions which it may receive from the Ministry of Finance.

63. The same office shall continue to issue the receipts for arrears of salaries provided for by Article 5 of the Law of the 14th June, 1883, and the Supreme Order of the 28th May, 1886, provided that the interested parties expressly request it, and that, when dealing with arrears of salaries subsequent to the 30th June, 1882, they are not comprised in Article 17 of this Decree; but if the said certificates, as also those issued previous to the present Decree, were not converted at the proper time, they shall lose the privileges granted to them by Article 6 of the Law of the 14th June, 1883.

This provision does not prevent the Treasury from issuing at once to those so desiring, the bonds of the 3 per Cent. Internal Consolidated Debt to which they may be entitled, instead of the corresponding certificates for arrears of salaries.

64. The credits of the first and second-class mentioned in Article 5 which may not need investigation shall be converted by the Treasury-General at the request of the interested parties and according to the information elicited from the respective accounts, provided that they are not the unpaid balances referred to in Article 67; but the conversion of the credits of the first-class cannot be made without the previous authorization of the Ministry of Finance, which, in case of doubt as to the classification which should be given to a credit in accordance with Article 5 may declare it to be comprised in the first-class; but making such a reduction from the credit as it may think just, after having heard the interested parties.

65. It is understood that those credits do not need investigation which (the interested parties being entirely in accord with the account of the Treasury, both as regards the amount and the other circumstances required to be attended to before conversion) have not been the subject of observations on the part of the said Treasury or of the Accountant-General's Department, nor of special judicial or administrative orders, suspending the payment or fixing conditions for the carrying out of the same.

In these last cases the Treasury shall advise the Ministry of Finance, which shall decide as it may see fit.

66. The holders of securities comprehended under Article 6 of the present Decree who may desire to avail themselves of the conversion shall apply to the Ministry of Finance in order that, after the necessary steps have been taken, the proportion may be determined in which the exchange of the new titles for the old is to be made in accordance with the provisions of Article 11. This proportion once determined, the said Ministry shall not change it in favour of other

holders of the same class of securities, who shall have the right, when they wish to avail themselves of the conversion, to apply direct to the Treasury for the exchange, in accordance with the basis already established.

67. The unpaid balances of budgets for orders issued in favour of paymasters or persons authorized to make payments, and which on account of the respective loan or payment not having been made at the proper time were not confirmed in subsequent budgets, as also balances of orders issued in favour of corporations, companies, or private individuals in the shape of gratuitous subventions or voluntary help, or for transactions or loans which were not carried into effect, shall not give a right to any claim against the Government, and such balances shall be at once cancelled by the Treasury, with the previous approval, in each case, of the Ministry of Finance.

68. The formalities for the interchange of securities which have to be converted into bonds of the 3 per Cent. Consolidated Debt may be proceeded with at once; and those for the interchange of the securities which have to be converted into bonds of the 5 per Cent. Internal Redeemable Debt shall be effected from the 1st day of October next, by means of provisional certificates, whilst the definitive bonds are being printed, sealed, and signed.

69. In all operations of interchange of securities the Treasury shall be careful when issuing the new bonds to remove and destroy all coupons already matured at the date of the exchange, including those of the current half-year. In the case of interest-bearing securities, and only in that case, the interest on the old securities shall be liquidated up to the day of the exchange, and also that on the new bonds from the day after the exchange until the date of the coupon removed; and the value of both liquidations shall be paid to the interested party in the following manner: if the said sum should exceed the value of one coupon of the new bonds, he shall be given these with the current coupon, besides an order payable the day on which the said coupon matures for the balance; but if the value of the liquidations should not amount to the value of one coupon, the interested party can at his option receive the current coupon, paying the difference at once in cash, or else receive the title without the said coupon, and an order for the amount of the liquidation payable in the above-mentioned manner. These rules shall likewise be observed in the exchange of interest-bearing securities for the provisional certificates referred to in the preceding Article. For this purpose the said certificates shall be issued with the coupon corresponding to the half-year ending the 31st March, 1895, the said coupon being removed should the occasion mentioned in the preceding paragraph arise.

The provisional certificates which may be issued before 1st April, 1895, for the conversion of non-interest-bearing credits, and which consequently have no coupon attached, shall be exchanged for definitive bonds carrying coupons commencing with the one corresponding to the half-year from April to September; and the certificates of the same kind which may be issued from the 1st April, 1895, to the 30th September of the same year, shall have attached, as the first coupon, that corresponding to the half-year following that of its issue, but in both cases the interested parties may claim that the bonds shall have the current coupon attached on payment of its value in cash.

70. The certificates, bonds, coupons, and other documents which may be received in the Treasury in exchange for new bonds shall be immediately rendered useless by punching a hole in the middle. Any delay in this operation involves a presumption of fraud, and will give rise to the committal of the employé who is responsible for it.

71. If on making the exchange of bonds or on issuing new bonds in payment of credits or claims already investigated, there should remain over amounts less than the value of the smallest bonds issued, the interested parties can, at their option, hand over in cash the amount which may be wanting to complete the value of the said bond, or give up in favour of the Federal Treasury the amount of the said balance.

72. The Treasury shall advise the Ministry of Finance monthly of the operations of conversion which have been effected, stating in detail the class, number, and value of the bonds issued and distinguishing those given for credits or claims decided by the Liquidating Committee from those issued as the result of exchanges effected exclusively by the Treasury. These notices shall be published in the Official Journal ("Diario Oficial").

78. Any doubts which may arise as to the meaning and application of the present Decree shall be decided by the Ministry of Finance.

Wherefore I order this to be printed, published, circulated, and duly carried out.

Given at the National Palace of Mexico, the 6th September, 1894.

PORFIRIO DIAZ.

DECREE of the Government of Mexico, creating an Internal Redeemable Debt.—Mexico, September 6, 1894.

(Translation.)

PORFIRIO DIAZ, Constitutional President of the United States of Mexico, to its inhabitants, know ye :

That in virtue of the powers conferred on the Executive by the Congress of the Union by the Law of the 29th May, 1893, I have seen fit to issue the following Decree creating the Internal Redeemable Debt:—

ART. 1. Under the title of "Internal Redeemable Debt of the United States of Mexico," new bonds of the National Debt are hereby created, on the terms provided for by the present Decree, for the unification of the various securities of the Public Debt, issued as subvention, under Concessions granted for railways and works of public utility, and for the consolidation of the Floating Debt subsequent to the 1st July, 1882, and comprehended in the first of the categories dealt with in Article 5 of another Decree of this date.*

2. The Internal Redeemable Debt shall be paid in Mexican silver dollars of the current issue, and in the meantime shall earn interest at the rate of 5 per cent. per annum, payable each completed half-year, on the 1st April and 1st October of each year. The bonds shall commence to earn interest from the 1st April, 1895, and the first coupon shall be paid on the 1st October of the same year, without prejudice to what is provided for in the Decree of Conversion of this date with respect to the payment of interest before the said 1st April.

3. The issue of bonds of the Internal Redeemable Debt shall be made by series, the first of which, of a total par value of 20,000,000 dollars, is hereby authorized. The issue of the other series shall be made in virtue of special Decrees, which shall fix the total amount of each, according to the rate at which subventions may be earned by the railway companies and companies for the construction of works of public utility, which have the right to receive these bonds in payment of the said subventions.

4. The issue of the bonds is intrusted to the Treasury-General of the Federation. These shall be payable to bearer, and a special regulation shall determine their value, numbers, and letterings, as also the colours and countersigns intended to insure the authenticity of the bonds. Each bond shall be provided with a sheet with fifty interest coupons and a counterfoil. The text of the present Decree shall be printed on the back of each bond, and on the coupons shall be stated the value of each and the date of its maturing.

When the coupons issued are all used the Government shall replace the sheets of coupons and their counterfoils in exchange for the old counterfoil.

5. The bonds of the Internal Redeemable Debt shall enjoy the following privileges:

(i.) They cannot be subjected, either principal or interest, to any tax, whether Federal, State, or Municipal, of any kind whatsoever;

(ii.) The coupons shall be admissible, in their entirety, from one month before their maturity, for all kinds of payments which may be made directly to the Treasury-General of the Federation;

(iii.) The coupons shall be paid in the capital of the Republic without any deduction. They shall be paid in like manner in London and in the other foreign cities which the Executive may see fit to designate, but on the condition that they be presented at the corresponding agencies within the first fifteen days of the months of April and October in which they have matured. The payment shall be made by fixing beforehand the equivalent value of the national money and that of the respective countries, according to the rate of exchange ruling between Mexico and the cities where the payment has to be made on the day previous to the maturity of the coupons.

6. The bonds shall be redeemed only at par.

The service of the redemption shall be made together with that of the interest, applying every six months for both purposes together a fixed amount equivalent to $2\frac{5}{8}$ per cent. of the face value of the total of bonds issued. From the above-mentioned amount shall be separated the amount of the interest, at the rate of 5 per cent. per annum, corresponding to the bonds which may be in circulation one month previous to the maturing of the coupon, and the remainder shall be applied to the redemption of the bonds, in the terms laid down in the following Articles.

7. The fund resulting for the redemption, as fixed in the preceding Article, shall be employed in the redemption at par, by means of drawings, of the bonds which may be in circulation, which drawings shall take place in the Treasury-General of the Federation within the first five days of the months of March and September of each year, in the presence of the Accountant-General of the Treasury, the Treasurer-General, and of a superior employé named by the Minister of Finance, and with the formalities which the regulations may establish.

The first drawing shall take place in September 1896. That of the other series, on the dates which may be fixed by the respective Decrees which authorize their issue.

8. The list of the numbers of the bonds drawn shall be immediately published in the Official Journal ("Diario Oficial") of the Government of the United States of Mexico and in one of the papers

of largest circulation in each city abroad where the coupons are officially paid.

9. The bonds determined by the drawings must be presented to be paid off with all the unmatured coupons. This presentation shall be made starting from the 1st April and 1st October immediately following the holding of the drawing, and from that date they shall cease to bear interest. The paying off of the bonds shall be effected in the city of Mexico, or abroad, in the same places and on the same conditions as is established for the payment of coupons by clause (iii) of Article 5.

10. At any time after the 1st January, 1900, the Government is empowered to assign larger sums to the redemption of these bonds, or to redeem at once the total amount of those issued; but in the latter event it shall give notice of its intention in the papers at least three months beforehand.

11. The service of the interest and the payment of the bonds drawn for redemption shall be carried out by the National Bank of Mexico, crediting them, on account of the Government, with the commission which may be agreed on with the Ministry of Finance and Public Credit. This service does not include the coupons amortized in the Treasury-General of the Federation in the form established by clause (ii) of Article 5.

12. The coupons for interest which may not be collected over a period of ten years, counted from the date of their maturing, shall lapse in favour of the Federal revenue, and similarly the capital represented by the bonds which may not have been collected for a period of thirty years, counting from the date when they should have been paid off.

13. The bonds and coupons which may be redeemed, in conformity with the provisions of the present Decree, shall be at once cancelled and rendered useless, by means of a punch, by the establishment or office which makes the payment.

14. The regulations of the Commercial Code as to robbery, misappropriation, or loss of documents of value and securities to bearer shall be applicable to the bonds of the Internal Redeemable Debt.

Wherefore I order the above to be printed, published, circulated, and duly carried out.

Given at the National Palace of Mexico, September 6, 1894.

PORFIRIO DIAZ.

*DECREE of the Government of Guatemala, relative to the Arrangement of the Public Debt.—Guatemala, August 29, 1887.**

(Translation.)

[Decree No. 394.]

MANUEL L. BARILLAS, General of Division and President of the Republic of Guatemala, in Council with the Ministers, considering :

That one of the principal causes which obliged the Government to issue the Decree No. 380 was the lamentable state of the credit of the nation, both as regards the Internal and External Debts of the country ;

That the present Government is in duty bound to raise the national credit to the level of a country with resources such as Guatemala possesses, by recognizing the debts incurred by former Administrations ;

That in order to raise the said credit no more should be offered than can be punctually fulfilled, without diverting the sums needed by the Government for its Administrative Service, in the pursuit of the policy of advancement and progress which it proposes to follow ;

That no arrangement, however convenient it may appear, can fulfil the conditions necessary to make it permanent and secure, and at no time liable to alteration of any kind, without a constant guarantee rendering immutable the provisions which assign and set aside the amounts destined for the public debt ;

That the last Legislatures, far from upholding the good name of the Republic in foreign countries, have excluded from equitable settlements debts contracted by the nation abroad arising out of the Federal Loan and the Loan of 1869, and have rather endeavoured to reduce the rate of interest to the detriment of their country's credit ;

That with respect to the Internal Debt, they confined themselves to fixing a high rate of interest on the capital, and to making unjust and unfounded classifications to the great prejudice of many of the creditors ;

That, notwithstanding the statement contained in the foregoing paragraph of this Preamble, and the illegality of the provisions to which it alludes, the Government recognizes the fact that the actual holders of stock have acquired rights which they did not formerly possess, and that the laws and provisions enacted by those Legislatures, far from raising the national credit and establishing a feasible and orderly progress of public affairs, had rendered those laws

* See also Decree of February 16, 1894, page 1300.

impracticable from the moment that they were not based on a just appreciation of the financial situation of the country ; but, on the contrary, tended to depress credit and to engender distrust, thereby leading the Executive into a situation at once anomalous and of absolute helplessness ;

That in order to favour the holders of bonds of the Internal Debt, it is indispensable to give an actual and positive value to these bonds in foreign markets, in order to effect the mobilization of a capital which up to the present time has remained inactive ;

That no arrangement can promote the efforts of the Government in raising the credit of the country unless it includes a fixed and secure guarantee, applicable alike to the Internal and External Debt, an indispensable condition being that the funds destined for the service of the Public Debt be received and allocated by respectable persons in the entire confidence of the bondholders ;

That it is not only convenient, but necessary, to unify all the above-mentioned (Internal) Debt, in order to offer facilities for, and to simplify its circulation in, the transactions of private persons, and on account of the advantages which one single quotation of stock in the market will confer on the bondholders ;

That, upon unifying the Debt, it would not be equitable to reduce the rates of interest of the present bonds of the first and second class, without giving a bonus to compensate in a measure for such reduction ;

That the operations alluded to will contribute, in an efficacious manner, towards giving a better price and circulation to the bonds of the Public Internal Debt, a result which has not been attained up to the present time, notwithstanding that interest at the rates of 12, 9, and 6 per cent. has been paid thereon ;

And, desiring that there may be no further delay in the definite arrangement of an affair of such great importance, and the continuance of which casts a blemish upon the good name of Guatemala, and, moreover, is injurious to the national credit ;

Decrees :

ART. 1. The outstanding capital of the British Loan of 1869, which now amounts to the sum of 468,600*L.*, and the interest thereon at the rate of 6 per cent. per annum, reckoned up to the 31st December, 1887, amounting to 325,848*L.*, together with the existing capital of the Federal Loan, which at the present date amounts to the sum of 70,600*L.*, and the interest thereon at 5 per cent. calculated up to the 31st December, 1887, amounting to 43,242*L.*, shall, after verification, be capitalized up to the aforesaid date of the 31st December of the present year.

2. The total of the capitals and respective interests of both of

these loans, which amounts, subject to verification on the 31st December next, to the sum of 908,290 $\frac{1}{2}$., shall be unified and converted into one single debt, which shall be denominated "External Consolidated Debt of the Republic of Guatemala." The External Consolidated Debt shall bear interest at the rate of 4 per cent. per annum, with an accumulative sinking fund of $\frac{1}{2}$ per cent. per annum, calculated on the 908,290 $\frac{1}{2}$. as liquidated.

3. The sinking fund of $\frac{1}{2}$ per cent. per annum referred to in the previous Article shall come into operation three years after the date of acceptance of this Contract by the Committee of Bondholders, and during that interval the Government of Guatemala shall only be under the obligation to pay the stipulated interest of 4 per cent.

4. The Government of Guatemala, in order that the Internal Debt may be negotiable ("tenga valor") abroad, unifies and consolidates it into one single debt bearing interest at 6 per cent. per annum, and an accumulative sinking fund of 1 per cent. per annum, commencing three years after this date, calculated on the total amount of the debt, the existing capital of which, with the respective bonuses, amounts to the sum of 6,190,844 dollars, which debt shall be denominated "Internal Consolidated Debt of the Republic of Guatemala," and shall have the same guarantee as the External Debt.

5. There are included in this consolidation :—

- (1.) The Debt of the First Class, with a bonus of 18 per cent. ;
- (2.) The Debt of the Second Class, with a bonus of 12 per cent. ;
- (3.) The Debt of the Third Class, without bonus ;
- (4.) The Floating Debt ; and
- (5.) The liquidation and consolidation of the Public Debt, which may be made by the National Treasury, with the respective bonuses, according to the class to which it belongs, as set forth in Decree No. 154.

All the above debts make a total of 6,400,000 dollars.

6. The following debts are excepted from the consolidation of the Floating Debt :—

- (1.) Salaries and expenses of the War Department ;
- (2.) Salaries of the Departments of Public Instruction, Interior and Justice, Finance, Foreign Relations, and Public Works ;
- (3.) Salaries of the Boundary Commission ;
- (4.) Judicial and private deposits ;
- (5.) Pay rolls of the Department of Public Works ;
- (6.) Salaries of the police ;
- (7.) Shea, Cornick, and Co., in conformity with the Decree of the 18th March, 1886.

7. For the payment of interest of both debts, as well as of the sinking fund when the latter comes into operation, the Government of Guatemala assigns a portion of the duties leviable upon each

package of foreign merchandize that may be imported into the country through any of the ports of the Republic, according to the regulations which shall be framed for that purpose by the Minister of Finance,* to an amount sufficient to cover the following sums:—

	£	Dollars.
For interest on the External Debt, 4 per cent. ..	36,831	or 181,655
Exchange at 25 per cent.	9,083	or 45,415
For interest on the Internal Debt, 6 per cent. ..	..	371,450
Total .. ..	..	598,520

And after a lapse of three years—

For interest and sinking fund of the External Debt, 4½ per cent.	40,872	or 204,360
Exchange at 25 per cent.	10,218	or 51,090
For interest and amortization of the Internal Debt, 7 per cent. .. ..	..	433,359
Total .. ..	..	688,809

The nation cedes and transfers for the benefit of the creditors of the State, be they of the Internal or External Debt, the assignment of the maritime revenue established by this Law, and in no case and under no pretext, be the circumstances of the Republic what they may, shall the Government dispose of the said assignment; and any payment of the same made to any other office save that of the Committee created by this Decree shall be declared null and void.

8. The part of the duties referred to in Article 7 shall be paid by the importer to a Committee composed of a representative of the bondholders of the External Debt, a representative of the holders of bonds of the Internal Debt, and a representative of the railroad companies; this Committee shall deposit the funds so collected at one of the banks of the capital, and the receipts issued by it shall be accepted by the Custom-house on account of the duties which may have to be paid for the introduction of merchandize.

9. The bonds of all the External Debt, as well as their respective interest coupons, shall be exchanged for new bonds of the Consolidated External Debt, which shall be for the value of 100*l.* each, and shall have their coupons for interest attached for the period calculated for the total amortization of the debt.

10. The present bonds of the Internal Debt shall be exchanged for the new bonds of 6 per cent., to be issued in the following series and denominations at the option of the creditors:—

- (i.) Series A, 100 dollars, or 16*l.* ;
- (ii.) Series B, 500 dollars, or 80*l.* ;
- (iii.) Series C, 1,000 dollars, or 160*l.* ;

* See page 1277.

11. On these bonds there shall be printed a clause by which the Government reserves to itself the right to pay the interest and sinking fund in this capital in silver of the country, allowing for exchange a maximum of 25 per cent. on every 5 hard dollars of coined silver per English pound sterling.

12. The Committee referred to in Article 8 shall have its residence in the capital of the Republic.

13. The attributes of this Committee shall be the following:—

(i.) To collect the value of the special assignment referred to in Article 7;

(ii.) To pay with the proceeds thereof, in the capital of Guatemala, the accrued interest and sinking fund to the holders of bonds of the Internal Debt and to the holders of the railroad bonds;

(iii.) To place in London the sums necessary for the payment of interest and sinking fund of the External Debt.

14. The bonds of the Internal Debt shall be issued by the Department of Finance and Public Credit, bearing the signature of the Minister of that Department, those of the National Treasurer and Accountant of the Treasury, and countersigned by the General Director of Accounts, upon which they shall be exchangeable for the outstanding bonds, certificates, receipts, and documents which they represent; and the new bonds of the External Debt shall be issued in London with the same formalities as those now in circulation in that market.

15. The amortization of the bonds of the Internal and External Debts shall be effected by half-yearly drawings, those for the former to take place in Guatemala, and those for the latter in London. The bonds redeemed of both classes shall be called in by the Committee of the Public Debt, resident in Guatemala, for delivery to the Government.

16. The Guatemala Committee shall liquidate with the Government every six months the account of what they have received on account of the special assignment referred to in Article 7; and if from such liquidation it should appear that more money has been collected than is necessary for the service of both debts, the Committee shall retain the excess for the purposes mentioned in Article 23. And, in case of a deficiency, the Government shall complete the sum necessary for due payment.

17. The interest on both debts shall be paid as follows: That of the Internal at the expiration of each quarter, and that of the External at the expiration of each half-year, fixing for payment of the Internal Debt the 31st March, the 30th June, the 30th September, and the 31st December; and for the External Debt, the 31st July and the 31st January respectively.

18. The Government of Guatemala shall name two Commis-

sioners, with powers in due form, to propose to the bondholders of the English Debt the acceptance of this Law, as well as for the purpose of issuing new bonds in exchange for those actually outstanding in the hands of the said bondholders for the Loan of 1869, together with their interest coupons, as well as for those corresponding to the old Federal Loan.

19. The Commissioners of the Government, once in accord with the Committee of English bondholders, will set apart the term of ninety days for the exchange of the old bonds, on the understanding that those which shall not have been exchanged within that period shall be sent by their owners to the Committee in Guatemala for exchange.

20. The Committee of Bondholders, in conjunction with the Guatemala Commissioners, immediately after accepting and signing the Convention which may be arrived at, shall publish the result of the negotiation in the principal newspapers of the great markets of Europe and America, in order that the bonds may be quoted in the various foreign Stock Exchanges.

21. The Committee of English Bondholders once having accepted this Law, it shall, as regards the External Debt, come into operation from the 1st January of next year, so that the interest may be liquidated and capitalized up to the 31st December next.

22. In order to guarantee the collection of the tax referred to in Article 7, and the punctual, faithful, and exact application thereof to the payment of interest and sinking fund of both debts, the Committee will be assisted by the good offices of the Minister of the United States of America and of the Representative of Her Britannic Majesty, whose acceptance of the charge has been solicited.

23. If the Committee should receive half-yearly a larger sum than is necessary for the service of the debt, the excess shall be applied to amortization, as set forth in Article 16, by means of drawings to be made by the Committee itself.

24. By the present Law all dispositions which refer to arrangements with regard to the Public Debt are hereby reformed and repealed.

Given in Guatemala, this 29th day of the month of August, in the year 1887.

MANUEL L. BARILLAS.

MAURICIO RODRIGUEZ, *Minister of Finance.*

LORENZO MONTUFAR, *Minister of Foreign Relations.*

F. ANGUIANO, *Minister of the Interior and of Justice.*

SALVADOR BARRUTIA, *Minister of Public Works.*

C. MENDIZABAL, *Minister of War.*

MANUEL ANTONIO HERRERA, *Minister of Public Instruction.*

*REGULATIONS respecting the Service of the Public Debt.—
Guatemala, September 5, 1887.*

(Translation.)

*Palace of the Executive Power, Guatemala,
September 5, 1887.*

CONSIDERING that, in compliance with the stipulations contained in Article 7 of Decree No. 394 of the 29th August last,* it is necessary to make arrangements for the collection of the portion of maritime duties assigned by that Decree for the service of the Public Debt, and that it is desirable to issue simple rules in order to facilitate the payment by importers of this assignment, the President of the Republic has been pleased to decree the following Regulations:—

*Regulations for the Collection of that part of the Maritime Revenue
destined for the Service of the Public Debt.*

ART. 1. In the Custom-houses of San José and Champerico payment of the assigned duties, as established by Article 7 of Decree No. 394, will be levied upon such merchandize as is to be dispatched through the Customs in conformity with the following—

TARIFF.

	Unit.		Assignment of Duty.
			Dol. c.
Vegetable, mineral, and animal oils; sheet glass; tallow in bulk or manu- factured; iron in bars or sheets, un- galvanized; tin plates; tin, zinc, steel, in bars	Quintal ..	Gross ..	1 00
Cotton cloth, ribbons or trimmings, and manufactured in articles for personal or domestic use, or in sewing or em- broidering thread	" ..	" ..	7 00
Cotton yarn for weaving, grey, white, red, or any other colour	" ..	" ..	4 00
Bottles, flasks, or demijohns, of glass or stoneware; straw brooms; iron or wooden buckets	" ..	" ..	0 10
Cinnamon; shoes of all kinds; guns and all classes of fire-arms, and their caps and cartridges; swords, daggers, and hunting-knives; toys of all kinds; copper, brass, or tin, manufactured; gilt or silvered paper; sky-rockets or artificial fireworks	" ..	" ..	10 00
Carriages and pianos of whatever class and size, each	" ..	" ..	50 00

	Unit.		Assignment of Duty.
			Dol. c.
Preserved food in whatever kind of package; sweetmeats; fish; cheese; butter; sugar; pepper; cloves; sago; tapioca; cumin seed; almonds; wine; spirits; beer, and liquors of all kinds; syrups; hops; and lead shot	Quintal ..	Gross ..	2 00
Goods comprised in Article 16 of the Fiscal Code, with the exception of wheat; jewellery; gold and silver watches; and table ware	" ..	" ..	0 05
Goods not specified in these Regulations. Flour; maizena; vermicelli, and other flour pastes; fresh or dried fruits; biscuits; lard; and vinegar	" ..	" ..	5 00
Iron manufactured in nails; wire; common tools; machetes; and wooden mouldings; common empty bags or sacks	" ..	" ..	0 75
Iron manufactured in fine tools, in articles for domestic use; iron work; horse shoes; curry-combs; bedsteads; safes; tin ware; axles; and springs for carriages	" ..	" ..	2 00
Wool in yarn, ribbons, trimmings, or manufactured in cloth or clothes for personal or domestic use; skins and hides cured with the hair on; lace; embroidered trimmings and insertion	" ..	" ..	4 00
Linen in yarn, or manufactured in cloth or clothes for personal or domestic use; tobacco, manufactured in cigars, cigarettes, or for chewing	" ..	" ..	15 00
Crockeryware; cordage; paints in powder or in oil; canary seed; varnishes; trunks; and valises	" ..	" ..	20 00
Medicines and drugs	" ..	" ..	1 50
Wooden furniture; mirrors; lamp stands; lamps; lanterns; velocipedes; carriages and cradles for children; cured skins without hair	" ..	" ..	5 00
Writing paper; paper hangings; paper for flower making, for making cigarettes, for book-binding; tissue paper; drawing paper; and shoe blacking	" ..	" ..	6 00
Filtering, blotting, manila, straw, and brown paper; pasteboard; syrups and molasses	" ..	" ..	2 00
Imitation jewellery; glass beads and all kinds of fancy goods; fine hardware and perfumery; saddles; harnesses and all kinds of saddlery ware; cocoa; tea; canes; whips	" ..	" ..	0 50
Silk in thread or manufactured into cloth; ribbons, trimmings, or in pieces for personal or domestic use; fine jewellery; watches; and table ware of silver or gold; and saffron	" ..	" ..	8 00
Hats of all kinds; umbrellas; parasols; india-rubber coats; metal table ware; and mantel or hanging clocks	" ..	" ..	75 00
	" ..	" ..	14 00

	Unit.		Assignment of Duty.
			Dol. c.
Wheat; table salt; pitch; polished marble; bricks of marble, clay, or earthenware	Quintal ..	Gross ..	20 00
Empty glass and crystal ware; stearine and wax in candles or in cakes; copper in sheets or bars; leaf or powdered tobacco; matches; carpets in rolls; or rugs of all kinds; buttons of all kinds	„ ..	„ ..	8 00

2. There are excepted from this assignment :—

(1.) The goods enumerated in Article 15 of the Fiscal Code;

(2.) The fractions in weight which do not reach 100 lbs. of those articles, and whose assignments do not reach the sum of 5 dollars per quintal; and

(3.) The material for railroads and for lighting by electricity.

3. The Collectors and Accountants of the Custom-houses at San José and Champerico will arrange the accounts of this assignment at the foot of the application referred to in Article 860 of the Fiscal Code.

4. For the payment of this assignment the commercial agent will hand over to the respective Collector of Customs drafts or warrants to the value of said assignment in favour of the Committee established by virtue of Article 8 of Decree No. 394, and drawn on the owner or consignee of the merchandize, payable in current money at thirty days' sight.

Such drafts or warrants whose value may not reach 100 dollars shall be payable at sight.

5. The Collectors of the Custom-houses at San José and Champerico will remit, in numerical order, the drafts and warrants mentioned in the previous Article to the aforesaid Committee; this latter body will, by return of post, acknowledge the receipt of the warrants, stating the number, the name of the debtor, and the amount for which the draft or warrant is drawn.

6. In case the owner or consignee should himself apply for the release of the goods from the said Custom-houses, he must pay the assigned dues with an order in favour of the afore-mentioned Committee at thirty days' sight, if its value should exceed 100 dollars, and, if not, with an order payable on presentation. These orders for payment shall be remitted to the Committee in the same manner as the drafts or warrants referred to in the previous Article.

7. When the importer is unknown, or when, in the judgment of the Collector, he cannot give sufficient guarantee, the commercial agent (broker) must pay the assigned dues in the Custom-house itself, which latter will remit to the Committee by the next post the funds so collected, and the interested party will repair to the office of the same Committee in order to exchange the provisional receipt of the Custom-house.

8. Whenever the said orders or warrants shall have been paid, the aforesaid Committee will return those documents to the interested parties, giving them, besides, a receipt in which is set forth the name of the payee, the number of the warrant or draft, and the amount paid, stating that the same has been paid on account of import duties. These receipts, deducting amounts paid for empty sacks or bags, will be received from the bearer thereof in the Custom-houses of the Republic in payment of import duties on the packages to which they refer, those offices opening a special account, which is to be known as "Public Debt Service," which shall be debited with the receipts so issued by the said Committee admitted in payment of import duties.

9. The Collectors of Customs at Livingston and Ocos will remit at the end of each week to the aforesaid Committee, or its representative, 30 per cent. of what they may have collected for import duties, opening the corresponding account as expressed in the previous Article.

10. Decree No. 394 has come into operation for the unification of the Internal Debt from the 1st September current, from which date no other interest will be allowed than the 6 per cent. per annum stipulated in Article 4 of said Decree, for the various classes of bonds; for the payment of interest for the third and fourth quarters of the current year of 1887, the National Treasury will liquidate and accumulate the aforesaid accrued interest up to the 31st December of the current year of 1887, which interest will be received by the bondholders in bonds similar to those given for their capital in conformity with Article 10 of the same Decree.

11. The new bonds of the Internal Debt shall bear upon their face the Articles of Decree No. 394, which refer to them, as well as the signatures alluded to in Article 14 of the same Decree.

The exchange of the new bonds for the old ones and for the certificates and documents, as stipulated in Articles 10 and 14 of the said Law, shall be effected within the term of ninety days, commencing from the 1st January, 1888.

12. The Committee referred to in Article 8 of the aforesaid Decree shall be formally installed in this capital on the 31st December next.

13. These Regulations shall come into operation from the 1st January of the coming year of 1888.

Let this be communicated.

Countersigned by the President.

RODRIGUEZ, *Minister of Finance.*

*DECREE of the Government of Guatemala, on the Legal Status, &c., of Foreigners.—Guatemala, February 21, 1894.**

(Translation.)

[Decree No. 491.]

JOSÉ MARIA REINA BARRIOS, President of the Republic of Guatemala:

Whereas the constant progress in all branches of human knowledge shared by international public rights has rendered it quite necessary to establish the individual and legal standing of foreigners, inasmuch as emigration from one country to another and the facility of communication has caused it to be felt quite a necessity to establish the relations of foreigners with the States in whose territory they may reside;

In some parts of our legislation there exist certain dispositions with reference to such matters, but there is no law which, in a corresponding and systematic manner, determines what are the recognized rights of foreigners nor what obligations they are under, nor what rights the Government may reserve with respect to them;

That within certain limits the State has a perfect right and is at complete liberty to admit foreigners in its territory under the conditions that it may deem most suitable to its interests, to the maintenance of order, and to insure a due fulfilment of the laws;

Therefore, in accordance with the authority vested in me and acting in accord with the decision at a Cabinet Council,

I decree:

The following Law with regard to foreigners:—

SECTION I.—*Who are to be considered Foreigners.*

ART. 1. In accordance with this Law the following shall be deemed to be foreigners:

Those persons born out of Guatemalan territory of parents not Guatemalans;

The legitimate children born out of Guatemala of foreign father and of Guatemalan mother;

* Amended by Decree of May 5, 1894, page 1299.

Those Guatemalans who have lost their nationality ;

Those born out of Guatemala of parents who have lost their Guatemalan nationality ;

The Guatemalan woman married to a foreigner and residing out of Guatemala ;

The children of Diplomatic Ministers, although they may have been born in Guatemala territory.

2. National vessels shall be considered as Guatemalan territory in order to determine the nationality of those who are born on board.

3. Persons shall be considered as naturalized Guatemalans, viz. :—

(1.) Those Spanish-American residents in the Republic who have not reserved their nationality in the manner established by Article 87 of this Law and in accordance with paragraph 1, Article 7, of the Constitution of the Republic ;*

(2.) Those foreigners who may obtain letters of naturalization in accordance with this Law and that of the Constitution, paragraph 3, Article 7.

Natives of Guatemala shall be deemed those Central Americans who, in the presence of the authorities and in the manner prescribed by Article 87 of this Law, shall express their desire to become such in accordance with Article 6 of the same Constitutional Law.

4. The Guatemalan who may have lost this capacity through having become naturalized in a foreign country, as also the divorced wife of a foreigner, both of whom reside out of Guatemala, may recover their former nationality by formulating the necessary petition at any time by renouncing the protection of a foreign flag and by entering their declaration and renunciation in the Civil Register.

The Government, nevertheless, reserves the right to decide in these cases whatever it may deem most convenient.

5. The petition referred to in the preceding Article shall be made before the Minister for Foreign Affairs of the Republic or before the Guatemalan Diplomatic or Consular Agent at the place of the residence of the declarant.

6. The children of a Guatemalan father or the illegitimate children of a Guatemalan mother born and residing abroad, when in accordance with the laws of the country of their birth they acquire the right to choose a nationality and they elect to become Guatemalans, shall express within the following year of their becoming of age or emancipated, their desire to enjoy the condition of Guatemalans before the Diplomatic or Consular Agent of Guatemala, who shall in this as in the former case inscribe the same in the registers of the Legation or Consulate, and report it to the Minister for Foreign Affairs of the Republic.

* Vol. LXX, page 866 ; and Vol. LXXVIII, page 1007.

7. The Guatemalan who may have entered the service of a foreign country or its military or civil service without permission of the Government of Guatemala shall be considered as a foreigner, but may recover his Guatemalan nationality by complying with the formalities of Articles 4 and 5.

8. The Guatemalan, naturalized in any other country, on returning to Guatemala will remain subject to the obligation of his former nationality, suspended only during his absence; the fact of his naturalization abroad giving him no claim to exemption.

SECTION II.

Chapter 1.—*Classification of Foreigners.*

9. Foreigners in Guatemala may be—

- (1.) Residents;
- (2.) Travellers; and
- (3.) Emigrated.

10. Foreigners may, and are at liberty to, enter, reside, and establish themselves in any part of Guatemalan territory.

11. Civil rights are independent of that of the condition of citizens.

12. The law recognizes no difference between the Guatemalan and the foreigner as regards the acquisition and enjoyment of civil rights.

13. No inhabitant of Guatemala may claim exemption from the fulfilment of obligations contracted in the Republic in accordance with the laws.

14.* Guatemalans, as also foreigners domiciled in Guatemala, wherever they may be, may be cited to appear before the Courts of the Republic to comply even with contracts which may have been made in a foreign country on matters which the laws of Guatemala permit contracts.

15. The foreigner, although he may be absent from the Republic, may be cited to respond before its Courts—

(1.) When a suit or action is carried on with regard to property in Guatemala;

(2.) When a civil suit or action is carried on in consequence of some crime or breach of law that the foreigner may have committed in Guatemala;

(3.) When, in the case of an obligation contracted by the foreigner in which it has been stipulated that the Courts of the Republic shall decide the questions in reference thereto.

16. In all cases in which an obligation has been contracted in a foreign country, it shall be ruled by the laws of the country

* Amended by Decree of May 5, 1894, page 1299.

in which the contract was made so far as not opposed to the laws of this Republic. The laws of Guatemala shall only rule in the event of the contracting parties submitting thereto.

17. The Guatemalan woman married to a foreigner, and the foreign woman married to a Guatemalan, take the nationality of their husband; should they become widows, the first recovers and the second maintains the condition of Guatemalans providing that they are residing in the Republic.

18. It cannot be demanded that obligations contracted in a foreign country between foreigners not domiciled should be complied with in Guatemala, unless in the case that they willingly submit to the Courts of the Republic.

19. The change of "nationality" shall have no retroactive effect.

Chapter 2.—*Residents and Travellers.*

20. The domicile of a person is the place where he habitually resides; in the absence of this, that where he may have his principal seat of business. In the absence of either, then his domicile shall be deemed to be that at which he may be found.

21. The domicile of persons under age, not emancipated, is that of the parent in whose charge they may be.

22. The domicile of those under age who have no parents and of those of age, but incapacitated, is that of their guardian.

23. The domicile of a married woman, if not separated from her husband, is that of the latter; if separated she will be subject to the rules established by Article 20.

24. Those in the service of a person and living on the premises, whether of age or otherwise, shall have the same domicile as the person they are serving; but if they are under age and possess property which is in charge of a guardian, then with regard to the property the domicile shall be that of the guardian thereof.

25.* The domicile of those who are undergoing a sentence shall be that where the same is being carried out so far as regards the subsequent jurisdiction of the case; with regard to anything previous their domicile shall be that of their last residence.

Those condemned simply to banishment shall retain the place of their previous domicile.

26.* The wife or the children of those sentenced to confinement who do not accompany them to the place where such is to be carried out shall not have the domicile of the husband or father, but that of their own residence, in accordance with the rules established in the preceding Articles.

27. The domicile of the corporations, associations, and establish-

* Amended by Decree of May 5, 1894, page 1299.

ments recognized by the law is that place where they have established their business; except where the Statutes or special laws determine otherwise, and always provided that their domicile is therein determined and within the boundaries of the territory subject to the same.

28. When it should happen that an individual is established in one or more places of the country, it shall be understood that he resides in all such places, but in matters having special relation to one of those places in particular the specified place shall be the one considered as the civil domicile of the individual.

29. Persons are not considered residents, nor will they acquire civil domicile in a place, through the sole fact of their having inhabited for any time a house if the home of such person is established in another place, or if by any other circumstances it appears that the residence was only temporary, such as that of the traveller or one who exercises a temporary commission, or discharges the duties of a travelling agent.

30. No one may prevent the neighbouring inhabitants of any place from changing their abode.

31. Residents, whether natives or foreigners, are subject to the charges and municipal taxes of the place of their residence.

32. Travellers are those who are in transit.

33. Travellers do not enjoy the rights nor are they subject to the same charges as residents.

34. By the term "emigrated" shall be understood those foreigners not domiciled and whose identity has not been proved in the term of three months nor the object of their presence known in the country.

SECTION III.—*Of Registration and its effects.*

35. The matriculation of foreigners consists in the registration of their names and nationality in a book opened for that purpose in the Ministry for Foreign Affairs of the Republic.

36. The foreigner who may desire to be registered and is in the capital of the Republic must present himself to the Ministry for Foreign Affairs or to the Prefect of the respective Department and prove his nationality by means of some of the documents hereinafter mentioned :—

(1.) A certificate from the respective Diplomatic or Consular Agent accredited in the Republic, in which it is expressed that the interested party is a native of the country of the said Representative;

(2.) The passport with which the petitioner has entered the Republic, legalized in due form;

(3.) The letter of naturalization also legalized; and only when

its destruction or loss is clearly proved, or that the document is not necessary by the laws of the country where it should have been issued, can other similar proofs be admitted that the interested party had legally obtained the naturalization referred to.

37. Notwithstanding this, in the case of a law-suit the civil or administrative authorities or any other interested person may impugn those documents and prove their falseness, if necessary.

38.* Once the proof of nationality with the description of the applicant has been submitted to the respective authorities, the Ministry for Foreign Affairs shall effect the registration of the foreigner on payment of the sum of 1 dollar as the only registration fee.

39. The registration constitutes only a legal presumption that the foreigner belongs to the nationality therein registered, and admits of proof to the contrary.

40. Registration is proved by a certified copy from the Register issued and signed by the Minister for Foreign Affairs, the only person authorized to do so.

41. No authority or public functionary will recognize any individual as of a particular foreign nationality, unless he can produce a certificate of registration.

42. The right of the foreigners are:—

(1.) To invoke existing Treaties and Conventions between Guatemala and their respective nations ;

(2.) To have recourse to the protection of their country through their Diplomatic Representative in accordance with the precepts established by this Law ;

(3.) The benefit of reciprocity.

SECTION IV.—*Political Condition of Foreigners.*

43. Foreigners residing in Guatemala as domiciled, or travellers, shall be guaranteed in their rights, viz. :—

Security and protection of their persons, property, habitation, and correspondence in the same manner as the natives of the country.

To express and publish their ideas with the limitation imposed by the laws, either by word of mouth or in writing. They may become agents, owners, or responsible representatives of newspapers or periodical publications of whatever nature ; but they must in all cases submit to the laws of the country in the same manner as the natives without having recourse to diplomatic intervention for the responsibility which they may incur.

To address written petitions to the authorities in the same manner as Guatemalans.

* Amended by Decree of May 5, 1894, page 1299.

To exercise their religious worship in accordance with constitutional law, and within the limitations of general morality established by the police regulations; and

To the administration of justice by the Courts and authorities in the cases and manner determined by the laws that regulate them.

44. Owing to its being a national right, no foreigner may—

Be an elector, nor eligible for public employment or popular election;

Exercise judicial functions;

Obtain ecclesiastical benefits without special authority from the Government of Guatemala, it being understood that on making the petition, and the same being granted by the Government, the foreigner renounces the protection of his country with regard to the exercise of his charge.

45. They are forbidden from exercising those professions which require a diploma without the previous incorporation and study in the manner determined by the laws of public instruction or Treaties; the Government may, however, authorize foreigners to discharge the duties of Professors of Universities and high schools, as also to exercise such professions as are not established in the Republic, when from their antecedents and works their assistance is notoriously advantageous.

46. In order to determine the obligations of foreigners with regard to military service, the following shall be borne in mind: that all persons are absolutely subject to the said service who, having the right on becoming of age to elect a foreign nationality, do not produce before the civil or military authorities of the Republic documents sufficient to prove that they have satisfied the said obligation in the country of their selection, or that they have been exempted from this by virtue of sufficient reasons according to Guatemalan law.

SECTION V.

Chapter 1.—*Of the Civil Condition of Foreigners.*

47. Foreigners shall enjoy in Guatemala all the civil rights which the laws grant to Guatemalans.

The corporations, establishments, and associations recognized by the law shall be juridically considered as persons for the exercise of their rights.

48. The laws of Guatemala are compulsory for all persons who may be in Guatemalan territory, without distinction of nationality. The condition and capacity of persons and their family relations

shall be regulated by the laws of the nation to which they belong.

49. In no case shall the laws, contracts, or sentences of a foreign country, nor the dispositions of private agreements, derogate the prohibitive laws of the Republic with reference to persons, property, or contracts, nor those which in any way affect public order and morality.

50. Foreigners shall enjoy all family rights, and consequently they may contract marriage in Guatemala with other foreigners, or with natives of the country.

Chapter 2 — *Of Marriage.*

51. A marriage solemnized between two foreigners outside of national territory, and which may be valid in accordance with the laws of the country in which it is celebrated, will be held as valid in this Republic.

52. Marriages between foreigners, or between a foreigner and a Guatemalan, residing in the country, celebrated in conformity with the laws of their respective nationalities, shall be valid. Consequently by such marriages shall be acquired the civil rights this law recognizes in favour of those marriages contracted by natives of the country in conformity with the Civil Code.

53. The marriage celebrated in a foreign country between Guatemalans, or between a Guatemalan and a foreign woman, or between a foreigner and a Guatemalan woman, shall also give civil rights in national territory if it is recorded that it was performed with the formalities and in accordance with the laws of the place in which it was celebrated, and that the Guatemalan has not acted contrary to the provisions of the Civil Code relating to his fitness to contract marriage and to the consent required of his parents or of the person from whom the same is necessary.

54. In the event of urgency, which may not allow time for application to the authorities of the Republic, it will be necessary to obtain the consent of the Minister or Consul at the place, or residing at the nearest place, where the marriage is to be performed, preferring in any case the Minister to the Consul.

55. In the event of imminent danger of death, and of there being no resident Minister or Consul, the marriage shall be valid, provided always that it is proved that these two circumstances existed.

56. For the celebration of marriage, the law of the foreign country in which the same takes place shall determine the age at which it can be performed, the persons called upon to give their consent, and the impediments which may be opposed.

57. In any case shall be observed the prohibitive dispositions

which, in accordance with Guatemalan law, forbids marriage for moral reasons or for public order, with regard to degrees of relationship and the legal dissolution of former ties.

58. The incapacity of persons in some countries, arising from political banishment or confinement and criminal reasons, shall not be considered as an impediment to marriage.

59. When the contracting parties are foreigners, and have not completed two years' residence in Guatemala, they must prove by means of a certificate of a proper authority, according to the laws of their country, legalized in due form, with all the legal requisites exacted by the Guatemalan laws for the authenticity and validity of such, that a notice of the intended marriage has been published with all the necessary formalities in the territory in which they have resided during the year previous to their arrival in Guatemala. In any case they must establish proof of their being free to contract marriage, by means of an authentic document.

60. The foreigner legally divorced in his country may legitimately contract civil marriage in Guatemala, in accordance with Decree No. 484.

61. The marriage contracted beyond Guatemala by foreigners in accordance with the laws of their nationality shall have in Guatemala all the effects of a legal marriage.

62. The marriage contracted in a foreign country between a Guatemalan and a foreigner, or *vice versa*, shall be valid in Guatemala, provided always that in its celebration the laws established in the country in which it took place to regulate the external forms of the said contract have been observed, and that the contracting parties were free to celebrate same in accordance with Guatemalan laws.

63. A marriage performed in a foreign country may be proved by any means of proof if, in the country in which it was celebrated, marriages were not subject to registration.

64. The marriage of foreigners shall be inscribed in the civil register of the respective municipality when the contracting parties or their issue remove their residence to Guatemala.

65. Likewise shall be registered the verdicts in which nullity of marriage is declared, or the divorce of the parties is decreed.

66. The legislation of the country of the nationality of the married couple shall determine their respective capacity for the civil acts derived from matrimony.

67. The matrimonial system, in the absence of explicit agreement, shall be understood as that recognized by the nationality of the husband and wife.

68. If marriage be contracted between a Guatemalan and a foreigner, and nothing be stipulated relating to their property, it

shall be understood that, in the case of the husband being a Guatemalan, that he marries under the system of property acquired during marriage ("gananciales"), and in the case of the wife being a Guatemalan, that she marries under the system of common rights established by the laws of the country of the nationality of the husband; with regard to any property she is subject to "real statute."

69. The legitimacy of the children of foreigners shall be determined by the legislation of their own country, which shall likewise regulate the rights of parental control.

70. Foreigners in disputing their civil rights may recognize their illegitimate children, and, if they reside in Guatemala, be guardians of their relatives constituted within the fourth civil degree, as also adopt or be adopted by other foreigners, or by natives; but whenever these acts affect a Guatemalan, they shall for all purposes be regulated by Guatemalan law.

SECTION VI.—*Diplomatic Intervention.*

71. The intervention of a foreign Government in favour of its countrymen directly or through its Diplomatic or Consular Agent is only admitted and considered in the case of a denial of justice, or wilful delay in its administration, recourse having been had without result to the legal procedure established by the laws.

72. Denial of justice exists when the judicial authority refuses to make a formal declaration on the main issue or any of the incidents of the case on trial, or which is submitted to its decision, or when it is clear and without doubt that a law has been infringed, and that all legal recourse has been exhausted, and that a revocation of the decision or reparation for the harm done cannot be obtained; it being understood that the sole fact of a decision not being in favour of the claimant does not constitute a denial of justice.

73. The delay in the administering of justice ceases to be wilful when the Judge assigns to it some legal cause, or when it was not within his power to prevent it.

74. When a claim is formulated before the Government for denial of justice or wilful delay of proceedings, it must be clearly proved that the grievances are real, with notorious violation of the laws of the country, that all the necessary steps have been taken in the manner and form prescribed by the laws, and that the petitions and allegations, &c., made to obtain redress, before the Courts, for the said grievances, or legal reparation for the said injuries suffered thereby, have been without result as regards the denial of justice or delay in the proceedings, or have failed to insure compensation for such injuries.

75. The foreigner who may intend to make a claim (in the civil course) against the Republic for damages, prejudices, appropriations, or for acts committed by public employés, must, before appealing to the Government, present his demand to the respective Court, in order that it may be tried in conformity with the laws.

76. To answer the charges, shall be cited (appearing as parties to the proceedings throughout) the Government Agent in this city, or the revenue officers in the Departments where there is no special representative of the Treasury. The employé or employés against whom the charges are made shall also be cited, and may become parties to the proceedings if convenient to their rights.

77. An extract of the claim signed by the Secretary of the Court, in which shall be stated the name and surname and residence of the plaintiff, the sum demanded, and also a brief narrative of the case, shall be immediately published in one of the newspapers of the Department, if any, or in case of there being none, in one of the newspapers published in the nearest town. This publication shall be made at the expense of the interested party.

78. Any person may, if he has the legal capacity, present himself as a party against the proceedings, besides the persons expressed in Article 76.

79. In these proceedings at law, evidence shall only be admitted when it is proved that the employé who caused the injury or appropriation refused to give the corresponding written certificate, or when it is evident by the nature and circumstances of the case that it was impossible to obtain such a certificate.

80. In order to decide, the Court may institute all the necessary proceedings for arriving at the truth of the case.

81. If the case for the claimant shall be deemed frivolous or vexatious, or the claimant has obviously exaggerated the amount of the damages or prejudices suffered, he shall incur, in favour of the Public Treasury, a fine equivalent to 25 per cent. of the amount claimed, without prejudice to other civil or criminal responsibility which may result from the proceedings. The payment of the fine shall be enforced by the Judge who pronounced the sentence. In the event of no fixed sum having been stated, a fine shall be imposed on the person (in the cases referred to in this Article), which shall not be less than 500 dollars, nor exceed 1,000 dollars. In the case of insolvency of the plaintiff, one day's imprisonment for each dollar not paid shall be imposed.

82. In no case may it be presumed that the nation shall indemnify damages, prejudices, or appropriations which have not been executed by the legitimate authorities, or by agents of such authorities, in their public capacity.

83. All those who, without public character, should decree con-

tributions or forced loans, or commit acts of spoliation of any description, as also those who carry out such proceedings, shall be held directly and personally responsible with their property to the injured party.

84. The Government will order the payment of the amount decided upon by the Courts for damages and injuries, whenever a copy of the sentence is presented in due form, and in which it is declared that the Public Treasury is under the obligation to effect the indemnity solicited.

85. The nation shall have the right to compel the responsible employé to refund to the Public Treasury the sum issued by the Exchequer when sentence is given in favour of the claimant.

SECTION VII.—*Naturalization of Foreigners.*

86. To obtain naturalization in accordance with paragraph 3, Article 7, of the Constitution of the Republic, the following rule shall be observed: the interested party shall prove, before the Prefect of the Department, that he has resided two years in the Republic, that he has observed good conduct, and that he has an income, profession, trade, or other means of earning a living. The proofs in this respect may be by document or otherwise.

At the termination of these proceedings the Prefect will remit them to the Secretary of State for Foreign Affairs, and on examination thereof the President of the Republic shall issue a Decree granting the naturalization if the required conditions have been complied with. Once the Decree is issued a copy of the same shall be remitted to the Civil Registrar, in order that the inscription may be made according to law.

87. In order to reserve nationality as referred to in Article 7 of the Constitution of the Republic, the declaration thereof referred to in Article 6 of the same shall be made in writing by the interested parties to the Prefects, and the latter, after having the petition ratified, shall remit the same to the office of the Secretary of State for Foreign Affairs, which shall issue the corresponding certificate upon payment of the fee of 1 dollar, besides the value of the stamped paper. This certificate must be inscribed in the Civil Register in order that it may be legally valid.

88. Any foreigner may become naturalized in Guatemala without distinction of origin, in conformity with Article 86.

89. Naturalization may be explicitly, tacitly, or presumptively made.

90. Letters of naturalization are divided into concessive and declarative. The former are those by which naturalization is

expressly granted; the latter are a mere declaration that the interested parties have become naturalized by virtue of the law through their having performed certain acts, i.e., they are a mere declaration of naturalization.

91. The declaratory letter of tacit naturalization has effect from the date on which the legal act which produced the change of nationality was completed, and differs from the concessive form, which only has effect from the date upon which it was issued.

92. Letters of naturalization cannot be granted to subjects of a nation at war with Guatemala, or to persons deemed or judicially declared in any country to be pirates, engaged in the Slave Trade, incendiaries, poisoners, parricides, or forgers of coin or bank notes.

93. Tacit naturalization can be acquired—

(i.) By omitting the reserve mentioned in paragraph 1 of Article 7 of the Constitution of the Republic;

(ii.) By accepting office or public employment reserved for Guatemalans.

94. The naturalized person acquires all the rights of, and is subject to all the obligations corresponding to, Guatemalans which are not hereafter excepted.

SECTION VIII.—*Of Expulsion.*

95. The territory of Guatemala is an asylum for all foreigners.

96. The Government exercises over foreigners all the rights of inspection and vigilance corresponding thereto in accordance with the laws and police regulations, compliance with which is expected from them without exception.

97. If the foreigners who have taken refuge in Guatemala, in abuse of asylum, conspire against the country or to the end to destroy or alter its institutions, or to endanger in any way the public peace, or the peace of a friendly nation, the Government may order them to leave the country.

98. Foreigners who, without authority from the Government, remain in the country in the capacity of residents, and do not possess sufficient means for their subsistence, may be sent to the frontier of the country from which they came, or embarked at one of the ports of the Republic.

99. The foreigner in transit or emigrated, who by his conduct endangers the public peace, or who has been prosecuted or condemned in another country for crimes or offences which give cause for extradition, may be obliged by the Government to leave a particular place, to reside at a fixed place, and finally to leave the Republic.

100. The emigrant who, being unable to prove his identity, should fail to make a truthful statement as to his name and circumstances, may be expelled from Guatemalan territory by order of the President of the Republic, as also he who, in order to prove his identity, should present false documents.

101. The Prefects and municipal authorities shall be careful that paupers of foreign nationality, as also those who are sick and in distress, be assisted by the charitable establishments and Benefit Societies under their control, and will adopt in each case, acting in accord with the respective Consular Agent, the necessary measures in order that they may be sent back to the country from whence they arrived.

102. The same shall be determined and applied in regard to abandoned children of foreign parentage. In carrying this out endeavours shall always be made to reconcile the interests of good order and of policy with the sacred duties of humanity.

103. The resolutions referring to sick and needy foreigners and to foreign children who have been abandoned shall always be communicated to the respective Consular Agent, who shall be asked to take charge of them, under his responsibility.

104. Should a foreign Government request, on justifiable grounds, the removal inland of one of its subjects who resides in a town or place on the frontier of that country, the Government of Guatemala may do so and may fix the place or territory of his residence at its discretion.

105. Only under exceptional circumstances relating to the preservation of public order may a foreigner married to a Guatemalan wife and established in Guatemala for a term exceeding five years be expelled from the country, or the persons who are within the category of those having the option of choosing their nationality.

106. The order for expulsion shall, in any case, be notified to the person to whom it refers, twenty-four hours at least being granted for compliance with it. The procedure in cases of expulsion is carried out by the administrative authorities.

107. In case of disobedience the public force shall proceed to carry out the order, and if the person so expelled should again enter Guatemalan territory he shall be brought before the Courts of the Republic and punished for disobedience in accordance with Article 142 of the Penal Code, without prejudice to the fact that, on the termination of his imprisonment, he may be again expelled from the territory of the Republic, for which purpose the Judge of the case shall be careful to give timely notice to the Minister of the Government through the proper channel.

SECTION IX.

108. The obtaining of uncultivated lands on the frontier territory is absolutely prohibited to natives of the neighbouring countries and to those naturalized in the same.

109. The foreigner entitled to acquire uncultivated lands may obtain up to 15 "caballerias" and no more; but in no case may he transfer his property or other landed property which he may acquire in the Republic to any foreign Government.

SECTION X.

Chapter 1.—*Of Criminal Matters.*

110. The penal laws of police and of public security admit of no exception of any class, and are compulsory upon all inhabitants of the territory of the State. Foreigners are subject, therefore, to the Guatemalan laws and Courts for any offences committed by them within Guatemalan territory.

111. The following persons are excepted :—

Princes of ruling families, Presidents or Chiefs of other States, Ambassadors, Ministers Plenipotentiary, Ministers Resident, Chargés d'Affaires, and foreigners employed on the staff of the Legations, who, on committing any offence, shall be placed at the disposal of their respective Governments.

112. The cognizance of offences originated or partly committed in Guatemala and perpetrated or prevented in a foreign country shall be in the competence of the Guatemalan Courts and Judges, provided that the acts perpetrated in Guatemala constitute in themselves an offence.

113. Foreigners who, beyond the territory of the nation, commit any of the following offences shall be judged by the Courts of Justice of the Republic :—

Offences against the independence of the Republic, the integrity of its territory, its form of Government, its tranquillity, its internal or external security, or against the Chief of the State, as also the forgery of the signatures of the President of the Republic, or the Ministers of State, of public seals, of Guatemalan coin or legal tender, of Guatemalan paper currency in circulation, of bonds, titles, and other documents of the public credit of the nation, or the notes of a bank in existence authorized by a law of the Republic, and also the introduction into the Republic or the issue of any such forged articles.

114. Should the persons who have committed the aforesaid offences have been acquitted or condemned abroad, provided that in

the latter case they have suffered the penalty, they shall not undergo further trial. The same shall apply if they have been pardoned, excepting in the case of treason. If they should have suffered only a part of the penalty, this shall be taken into account and the first penalty incurred reduced in proportion.

115. The provisions contained in the preceding Articles are applicable to foreigners who may have committed any of the offences therein mentioned, once they are apprehended in Guatemalan territory, or their extradition is obtained.

116. The following cases shall also be judged by the Courts of Justice of the Republic, saving those established by international Treaties in force:—

(i.) Foreigners committing offences on the high seas on board of a Guatemalan vessel ;

(ii.) Foreigners who commit any offence on board of a foreign merchant-vessel anchored in a Guatemalan port, or which may be within territorial waters of the Republic, unless committed by a member of the crew against another of the same ;

(iii.) Foreigners, members of the crew of a foreign merchant-vessel even although they may have committed an offence against a member of the same crew, if the assistance of the Guatemalan authorities is requested, or when the peace of the port shall be disturbed by the said offence ;

(iv.) Foreigners who have committed against Guatemalans in a foreign country the crime of arson, assassination, robbery, or any other extraditable offence, providing that the accusation be made by a competent person in accordance with law.

117. The ordinary jurisdiction is competent to investigate offences committed by foreigners, and the Judges of the place in which such offences are committed are the only ones to whom the judgment thereof shall belong.

118. Foreigners may complain of offences committed against their persons or property, or the persons or property they represent, provided always that they put in a guarantee, the amount of which shall be fixed by the proper Court or Judge, saving the exceptions made by Treaty or the principles authorized by reciprocity.

119. The declarations made by persons prosecuted, or witnesses who are foreigners, and not conversant with the Spanish language, shall be made through a sworn interpreter, and the questions and answers in the native language and in that of the person prosecuted, or the witness, shall be recorded. If such is not possible, the written questions and answers shall be transmitted to the office of the official translator.

120. In no case shall a sentence of a foreign Court be carried out in Guatemala.

Letters of Request.

121. Letters of request to foreign Courts shall always be sent through the diplomatic channel, or by the means and in the form established in the Treaties.

In any case, this shall be carried out on the principle of reciprocity. The same rules shall be observed in the carrying out in Guatemala of requests received from foreign Courts, which may require the execution of some judicial act.

122. The Legations shall pay and charge to the Government Department of Justice the expenses incurred in criminal proceedings emanating from the Guatemalan Courts, or at the instance of persons of well-known poverty.

The Legations shall not transmit requests from foreign authorities without previously obtaining a guarantee for payment of the expenses which may be incurred in their execution in Guatemala, in the manner agreed upon by the Government of the country.

Chapter 2.—Administration of Justice with regard to Foreigners.

123. Foreigners are subject to the Guatemalan laws and Courts in all questions brought by them, or against them, for the fulfilment of obligations contracted within or out of Guatemala, in favour of Guatemalans, or which in general relate to property or the possession of property existing in Guatemalan territory.

124. The Guatemalan Court shall also be competent and shall have jurisdiction in the law-suits between foreigners, which may be brought before them relative to the fulfilment of obligations contracted or to be complied with in Guatemala, or when the respective Treaties so determine.

125. In other matters regarding foreigners or against foreigners the Guatemalan Courts shall alone be competent to adopt urgent and provisional measures of precaution and security.

126. The provisions establishing the rules of competency in civil cases are also applicable to foreigners when they appeal to the Guatemalan Judges and Courts promoting acts of voluntary jurisdiction, taking part therein and appearing as plaintiffs in a law-suit, or as defendants against Guatemalans, or against other foreigners, when it is properly within Guatemalan jurisdiction according to the laws of the Republic or the Treaties with other nations.

127. Poor foreigners sued before the Courts shall enjoy the privilege of paupers in litigation.

The same privileges shall be enjoyed by the foreigner prose-

cuting, if in the country to which he belongs such privilege is granted to Guatemalans, as a matter of reciprocity.

128. If the plaintiff be a foreigner he will be bound, should the defendant so require, to give bond at the beginning of the trial, for *judicatum solvi*, or security for the result of the trial; the non-fulfilment of such requisite shall be considered as a dilatory exception in the cases or form in which it should be required from Guatemalans in the country of the nationality of the plaintiff.

129. The provisions regulating commercial acts are applicable to all persons therein engaged without distinction or privilege by reason of nationality.

130. The law of the place where the juridical act has taken place shall determine the means of proof that the foreigner must avail himself of before the Courts in order to justify the existence thereof. The acts and contracts referring to real estate situated in the Republic of Guatemala are excepted from this rule, which shall be governed exclusively by the Guatemalan laws.

Final Provision.

131. The provisions of this Law shall in no way affect the immunities and guarantees which, by international law and Treaties or Conventions entered into by the Government, are granted to the Diplomatic and Consular Corps, nor the rights established by those Treaties in favour of foreigners belonging to some particular nation.

Given at the National Palace of Guatemala on the 21st day of the month of February, 1894.

JOSE MARIA REINA BARRIOS

MANUEL ESTRADA, *Secretary of State for
Government and Justice.*

J. M. GONZALEZ, *Secretary of State for Public
Works.*

MANUEL CABRAL, *Secretary of State for Public
Instruction.*

SALVADOR HERRERA, *Secretary of State for
Treasury and Public Credit.*

RAMON A. SALAZAR, *Secretary of State for
Foreign Affairs.*

DECREE of the Government of Guatemala, amending the Decree of February 21, 1894, relative to the Legal Status of Foreigners.—Guatemala, May 5, 1894.

(Translation.)

[Decree No. 245.]

THE Legislative National Assembly of the Republic of Guatemala,

Decrees :

Sole Article.—The Decree No. 491,* issued by the Executive on the 21st February of the present year, and which contains the Law respecting foreigners, is hereby approved with the following modifications :

1. Article 14 is amended thus :—

Guatemalans, as also foreigners domiciled in Guatemala, may be cited before the Courts of the Republic for the fulfilment of contracts which they may have made in a foreign country on matters in which the laws of Guatemala permit a contract.

2. Article 25 is amended thus :—

The domicile of those who are undergoing imprisonment shall be the place where they are undergoing the same, in matters relating to jurisdiction after the sentence, but with regard to previous matters they shall maintain that of their residence.

3. Article 26 is amended thus :—

The wife and children of a foreigner removed inland, who should not accompany him to the place where he is ordered to reside, shall not have the domicile of the husband or father, but that of their own residence, in accordance with the rules established in the preceding Articles.

4. Article 38 is amended thus :—

The respective authority having transmitted the proof of nationality, with the description of the petitioner, to the Ministry for Foreign Affairs, the inscription shall be thereupon made and a certificate of such shall be given to the foreigner through the medium of the said authority, without causing him other expense than that of stamped paper of the value of 25 cents for the certificate issued.

Let this be transmitted to the Executive for its publication and fulfilment.

Given at the Palace of the Legislature, at Guatemala, the 30th April, 1894.

ARTURO UBICO, *President.*

F. GARCIA, *Secretary.*

EMILIO DE LEON, *Secretary.*

* Page 1281.

Palace of the Executive, Guatemala, the 5th May, 1894.

Let this be fulfilled and published.

JOSÉ MARIA REINA BARRIOS.

RAMON A. SALAZAR, *Secretary of State for
Foreign Affairs.*

*DECREE of the Government of Guatemala, relative to the
Service of the Foreign Debt.— Guatemala, February 16,
1894.*

(Translation.)

[Decree No. 488.]

JOSÉ MARIA REINA BARRIOS, President of the Republic of Guatemala, considering :—

1. That the constant depreciation of silver in the foreign markets causes every day a great rise in exchange producing, as an unavoidable consequence, the absolute impossibility of obtaining drafts in order to remit funds to Europe ;

2. That the remittance in silver of the amounts quarterly required in London for the amortization and payment of the interest on the Foreign Debt signifies to the Republic a considerable sacrifice, owing to the present scarcity of coin ;

3. That although it is true that the Government has undertaken the obligation of fulfilling its engagements, still it must do so without neglecting other branches of the public service and endeavour to preserve the maintenance of its credit, with the obligation it is under of promoting the progress of the country and the good service of the numerous interests it has under its charge ;

4. That in the meantime the Executive, acting in accord with the bondholders, may decide how to continue to remit such funds, it is convenient that the amounts consigned should be deposited in the National Treasury ;

5. That by so doing the amounts usually paid to the Bank and to the Committee will be economized ;

It is therefore decreed that—

ART. 1. From this date the Government Offices of the Republic will remit to the National Treasury the funds consigned to the service of the Consolidated Public Debt, where they shall remain on deposit.

2. The Committee appointed by Decree No. 394* is suppressed.

3. The International Bank will transfer to the said Treasury the

books and other documents relating to the Public Debt, as likewise the balance of cash and all drafts due.

4. The Secretary of the Treasury will dictate the necessary instructions for the due fulfilment of this Decree.

Given at the National Palace of Guatemala on the 16th day of the month of February, 1894.

JOSE MARIA REINA BARRIOS.

SALVADOR HERRERA, *Secretary of the Treasury
and of Public Credit.*

*EXCHANGE OF NOTES between Portugal and Spain,
respecting the Demarcation of the Maritime Line of the
River Guadiana.—Lisbon, September 27, 1893.*

*Señor Andres Freüller, Chargé d'Affaires of Spain, to Senhor Ernesto
Rodolpho Hintze Ribeiro, Minister and Secretary of State for
Foreign Affairs.*

(Translation.)

YOUR EXCELLENCY,

Lisbon, September 27, 1893.

FOR the due fulfilment of the dispositions contained in paragraph (a) of Article 4 of the Regulations for the Police Service of the Coast and Fisheries,* and of Declaration No. 6 of the Final Protocol,† annexed to the Treaty of Commerce and Navigation signed on the 27th March last between Spain and Portugal, my Government, in agreement with the solution arrived at by the Mixed Commission appointed in April last for the delimitation of the maritime zone of the River Guadiana, proposes to that of His Most Faithful Majesty the demarcation of the zone referred to in the following terms :—

The direction of the line of the mouth of the River Guadiana is indicated by the light below the Island of Canela on the Spanish bank, and the Fort of San Antonio on the Portuguese bank. From the centre of the mouth of the river the middle line sets out and descends in the direction of the junction of the thalwegs of the two channels. The extreme north of this line is found in the enfilation of the summit of the Castle of Ayamonte with the chimney of the factory of the Island of Canela, and the post of the guard of Carrasqueira with the Church of Azinhal; with angular distances from the Castle of Ayamonte to the Tower of Canela 67° 37' 30'', and from the Castle of Ayamonte to the Fort of San Antonio 88° 12'. The extreme south of the same middle line is

* Vol. LXXXV, page 455.

† Vol. LXXXV, page 462.

found in the enfilations of the Tower of the Angustias in Ayamonte with the chimney of the factory in the Island of Canela, and with the summit of the hill by the Church of Montegordo; with angular distances from the Castle of Ayamonte to the Church of Villa Real de San Antonio $21^{\circ} 34'$, and from the said Church to the Church of Montegordo $46^{\circ} 11'$. The line thus determined forms with the meridian an angle of $23^{\circ} 45'$ south-east.

From the extreme south of the aforesaid middle line starts another line with an inclination to the south-west, which forms with the meridian an angle of $3^{\circ} 30'$ south-west, and is determined by the enfilation of a small flag or streamer (banderola) upon a provisional pyramid in the Island of Canela with a house in the declivity of the ground to the north-east of Ayamonte, cutting the meridian proposed by the former Spanish Commission at a distance of 9 miles, and from thence proceeding to the extreme point of the zones.

This line of demarcation may be altered by mutual agreement of the two Governments whenever the mobility of the channels of the bar shall require it, in order that at all times both countries may be able to navigate in their own waters.

I request your Excellency will be good enough to signify to me your agreement with the foregoing terms of the maritime demarcation of the mouth of the Guadiana, in order that in this manner one of the most important questions arising out of the Treaty referred to may be settled.

I take, &c.,

Senhor Hintze Ribeiro.

ANDRES FREÜLLER.

Senhor Hintze Ribeiro to Señor Andres Freüller.

Ministry for Foreign Affairs, September 27, 1893.

IN reply to the note which your Excellency has done me the honour to address to me on the 27th instant, proposing to the Government of His Majesty in the name of His Catholic Majesty the terms of agreement to establish between them the fixing of the maritime line of the Guadiana in harmony with the dispositions of paragraph (a) of Article 4 of Appendix No. 6 to the Treaty of Commerce and Navigation of the 27th March, 1893, between Portugal and Spain, and in Article VI of the Final Protocol annexed to the same, I am directed to say that the Government of His Most Faithful Majesty agrees with the following:—

The direction of the line of the mouth of the river is indicated by the Fort of San Antonio on the Portuguese bank, and by the light below the Island of Canela on the Spanish bank. From the

centre of the mouth of the river the middle line sets out and descends in the direction of the junction of the thalwegs of the two channels. The extreme north of this line is found in the enfilation of the summit of the Castle of Ayamonte with the chimney of the factory of the Island of Canela, and the post of the guard of Carrasqueira with the Church of Azinhal; with angular distances from the Castle of Ayamonte to the Tower of Canela $67^{\circ} 37' 30''$, and from the Castle of Ayamonte to the Fort of San Antonio $88^{\circ} 12'$. The extreme south of the same middle line is situated in the enfilation of the Tower of the Angustias in Ayamonte with the chimney of the factory of the Island of Canela and of the summit of the hill by the Church of Montegordo; with angular distances from the Castle of Ayamonte to the Church of Villa Real de San Antonio $21^{\circ} 34'$, and from the said Church to the Church of Montegordo $46^{\circ} 11'$. The line thus determined forms with the meridian an angle of $23^{\circ} 45'$ south-east.

From the extreme south of the aforesaid middle line starts another line with an inclination to the south-west, which forms with the meridian an angle of $3^{\circ} 30'$ south-west, and is determined by the enfilation of a small flag or streamer upon a provisional pyramid in the Island of Canela with a house in the declivity of the ground to the north-east of Ayamonte, cutting the meridian proposed by the former Spanish Commission at a distance of 9 miles, and from thence proceeding to the extreme point of the zones.

The Government of His Majesty also agrees with that of His Catholic Majesty that the line of demarcation may be altered by a mutual agreement of the two Governments whenever the mobility of the channels shall require it, in order that both countries may be able to navigate in their own waters.

I take, &c.,

Señor Andres Freüller.

HINTZE RIBEIRO.

[This Agreement came into force, simultaneously with the Treaty of Commerce, on the 1st October, 1893.]

*ARRANGEMENT entre la France et l'Espagne, pour assurer la Répression de la Contrebande. — Signé à Paris, le 27 Octobre, 1894.**

En exécution du paragraphe 3 de l'Arrangement du 30 Décembre, 1893, les Soussignés :

M. le Duc d'Almodovar del Rio, Vice-Président de la Chambre des Députés, et ancien Président de la Commission des Traités, et M. Toda, Secrétaire de la Commission des Traités pour l'Espagne ;

M. G. Pallain, Conseiller d'État, Directeur-Général des Douanes ; et M. Chaudèze, Directeur du Commerce extérieur pour la France ;

Commis par leurs Gouvernements respectifs aux pris de se concerter au sujet des dispositions à prendre réciproquement pour assurer la répression de la contrebande qui pourrait se produire sur la frontière de terre ou dans les ports des deux pays, sont tombés d'accord sur les Articles suivants, sous réserve de l'approbation de leurs Gouvernements respectifs :—

ART. I. Les Douanes Espagnoles et Françaises échangeront entre elles les communications nécessaires pour assurer la répression de la fraude et de la contrebande dans chaque pays.

II. Toute douane de l'un ou de l'autre pays, prévenue de la création ou de l'existence d'une association formée en vue de l'importation en contrebande dans l'autre pays de marchandises prohibées ou fortement taxées, devra aviser l'autorité douanière supérieure dont elle dépend.

Ces avis seront transmis au service intéressé par l'entremise des Directions Générales, et, en cas d'urgence, par les chefs supérieurs des douanes locales.

III. Les Administrations Douanières des deux pays s'engagent à prévenir par tous les moyens en leur pouvoir, et dans la mesure compatible avec la législation intérieure de chaque État, la constitution de dépôts frauduleux dans le rayon frontière.

IV. Le Gouvernement Espagnol communiquera au Gouvernement Français la liste des bureaux établis à la frontière, avec l'indication des marchandises qui peuvent être importées par ces bureaux.

Le Gouvernement Français s'engage à communiquer de son côté au Gouvernement Espagnol la nomenclature de ses bureaux frontière, avec leurs attributions et matière d'importation.

Il est entendu que les deux Gouvernements porteront ces dispositions à la connaissance de leur commerce respectif.

* Came into operation February 1, 1895. See Royal Order of January 24, 1895, which will be given in a subsequent volume.

V. Chacune des douanes de terre des deux pays transmettra, par décade, à la douane correspondante, un état ou relevé détaillé des marchandises expédiées dans l'autre pays.

VI. Il n'est rien innové aux dispositions des Conventions Internationales des 8 Avril, 1864 (Hendaye-Irun), et 20 Juillet, 1882 (Cervère Portbou), relatives aux transports par la voie ferrée, non plus qu'à l'Arrangement conclu le 10 Mai, 1890,* pour assurer la répression de la contrebande dans la Bidassoa.

VII. Sur la demande dûment motivée des Consuls d'Espagne en France, la Douane Française pourra être autorisée exceptionnellement à leur donner connaissance des documents de sortie relatifs aux marchandises embarquées dans les ports Français à destination de l'Espagne.

Réciproquement les Consuls Français dans la Péninsule pourront dans les mêmes conditions obtenir communication des documents concernant les produits embarqués dans les ports Espagnols à destination de la France.

Les demandes concernant ces communications exceptionnelles seront introduites par voie diplomatique, ou, en cas d'urgence, par l'intermédiaire des Directions Générales respectives.

VIII. Les dispositions qui précèdent ont pour objet exclusif d'entraver la contrebande.

En ce qui concerne les opérations régulières, les douanes des deux pays prendront les mesures propres à simplifier les formalités et à accélérer le dédouanement des marchandises.

IX. Les Administrations Douanières des deux pays se communiqueront respectivement les instructions qu'elles adresseront à leurs agents pour l'application du présent Arrangement.

X. Le présent cartel douanier aura la même durée que le *modus vivendi* du 30 Décembre 1893,† dont il est l'annexe.

XI. Les deux Hautes Parties Contractantes se réservent la faculté d'introduire d'un commun accord dans l'annexe à la Convention qui précède toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes, et dont l'utilité serait démontrée par l'expérience.

Fait à Paris, le 27 Octobre, 1894.

(L.S.) ALMODOVAR DEL RIO.

(L.S.) TODA.

(L.S.) PALLAIN.

(L.S.) CHAUDEZE.

* Vol. LXXXII, page 1015.

† The *modus vivendi* of the 30th December, 1893, did not come into operation; but it was declared in a Royal Order dated the 24th January, 1895, that the present Arrangement would come into force on the 1st February, 1895.

CONVENTION entre les Pays-Bas et la République Argentine, pour l'Extradition des Malfaiteurs.—Signée à Buenos Ayres, le 7 Septembre, 1893.

[Ratifications échangées à Buenos Ayres, le 16 Décembre, 1897.]

Le Gouvernement de Sa Majesté la Reine des Pays-Bas et le Gouvernement de la République Argentine ayant jugé utile de conclure, conformément aux Législations respectives, une Convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires respectifs, savoir :

Sa Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine-Régente du Royaume, M. Léonard van Riet, Consul-Général des Pays-Bas à Buenos Ayres ;

Le Président de la République Argentine, M. Valentin Virasoro, Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à se livrer réciproquement, suivant les règles déterminées par la présente Convention, les individus prévenus ou condamnés à raison d'un des faits énumérés à l'Article II, et qui se sont réfugiés sur le territoire de l'autre État.

II. Les faits qui peuvent donner lieu à l'extradition sont les suivants :—

1. Meurtre, pourvu qu'il n'ait pas été commis en légitime défense ou par imprudence ;

2. Assassinat ;

3. Parricide ;

4. Meurtre ou assassinat commis sur un enfant ;

5. Empoisonnement ;

6. Avortement volontaire ;

7. Blessures volontaires ayant causé la mort sans l'intention de la donner, ou la mutilation grave et permanente de quelque membre ou organe du corps ;

8. Viol ou tout autre attentat à la pudeur commis avec violence ;

9. Attentat à la pudeur, commis avec ou sans violence envers des enfants de l'un ou de l'autre sexe au-dessous de quatorze ans ;

10. Bigamie ;

11. Enlèvement, recel, suppression ou substitution d'enfants ;

12. Enlèvement de mineurs ;

13. Contrefaçon ou altération de monnaies ou de papier-monnaie entreprise dans le dessein d'émettre ou de faire émettre ces mon-

naies ou ce papier-monnaie comme non-contrefaits et non-altérés ; émission ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés ; contrefaçon ou falsification de timbres et de marques de l'État, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

14. Faux en écriture publique ou privée dans des lettres de change, les papiers de crédit ayant cours légal ou autres effets de commerce, et usage fait à dessein de ces documents falsifiés, pour autant que les lois des deux pays permettent l'extradition pour ces faits ;

15. Faux témoignage, subornation de témoins ou faux serment en matière civile ou criminelle ;

16. Corruption de fonctionnaires publics, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

17. Détournement ou malversation de valeurs publiques, concussion, commis par des fonctionnaires ou des dépositaires publics ;

18. Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse ;

19. Entraves volontaires à la circulation sur les chemins de fer ayant eu pour résultat de mettre en péril la vie des voyageurs ;

20. Actes de violence commis en public, à forces réunies, contre des personnes ou des biens ;

21. Vol commis avec violence envers les personnes ou les propriétés ;

22. Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui ;

23. Émeute et insubordination des gens de l'équipage ou des passagers à bord d'un navire ;

24. Escroquerie ;

25. Détournement de valeurs, biens, documents, et tous titres de propriété publique ou privée, commis par les personnes à la garde desquelles ils étaient confiés, ou soustraction frauduleuse de ces choses par ceux qui étaient associés ou employés dans l'établissement où le fait a été commis ;

26. Banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité lorsqu'elles sont punissables d'après la législation pénale des pays contractants.

L'extradition sera accordée pour les faits énumérés ci-dessus,

lorsque les faits incriminés sont punissables de peine corporelle d'au moins un an de prison au maximum.

III. L'extradition n'aura pas lieu—

1. Lorsque l'individu réclamé est sujet par naissance ou par naturalisation de la nation requise ;

2. Pour les délits politiques ou faits connexes à des délits politiques ;

3. Dans le cas où les faits auraient été commis sur le territoire de la nation à laquelle l'extradition est demandée ;

4. Lorsque la demande d'extradition sera motivée par le même fait pour lequel l'individu réclamé a été jugé et condamné ou absous dans le pays requis ;

5. Si la prescription de la peine ou de l'action est acquise, d'après les lois de l'État requis ou de l'État requérant, avant l'arrestation de l'individu réclamé, ou, si l'arrestation n'a pas encore eu lieu, avant qu'il ait été cité judiciairement.

IV. L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi et jugé pour le même fait dans le pays auquel l'extradition est demandée.

V. Si l'individu réclamé est poursuivi ou subit une peine pour un autre fait que celui qui a motivé la demande d'extradition, il ne sera livré qu'après la fin du jugement définitif dans le pays auquel l'extradition est demandée, et en cas de condamnation qu'après qu'il ait subi sa peine ou qu'il ait été gracié.

Néanmoins si, d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée si des considérations spéciales ne s'y opposent et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

VI. L'individu dont l'extradition a été accordée ne pourra être poursuivi ou puni à raison de délits politiques antérieurs à l'extradition, ni à raison de faits connexes à ces délits.

Il ne pourra être jugé ni puni dans le pays auquel l'extradition a été accordée pour un fait punissable quelconque non prévu par la présente Convention, ni extradé à un État tiers sans le consentement du pays qui l'a livré.

Ces restrictions ne seront pas applicables lorsque l'individu extradé est resté dans le pays où il a été jugé pendant trois mois après avoir subi sa peine, ou après avoir été gracié et mis en liberté, ou lorsqu'il est revenu postérieurement sur le territoire de l'État réclamant.

Les individus condamnés pour des faits auxquels, d'après la législation de l'État requérant, est applicable la peine de mort, ne seront extradés qu'à la condition que la dite peine ne leur sera pas infligée.

VII. Dans les cas où, conformément aux dispositions de la présente Convention, l'extradition ne doit pas être accordée, l'individu réclamé sera jugé, s'il y a lieu, par les Tribunaux du pays requis, selon les lois de cet État. La sentence définitive devra être communiquée au Gouvernement réclamant.

VIII. Lorsque le fait qui motive la demande d'extradition aura été commis sur le territoire d'un pays tiers qui n'a pas sollicité l'extradition du criminel, il sera donné suite à cette demande dans le cas où la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

IX. Si l'individu dont l'extradition est demandée, conformément à la présente Convention, par une des Parties Contractantes, est réclamé également par un autre ou plusieurs autres Gouvernements à raison de faits commis sur leurs territoires respectifs, l'extradition sera accordée à celui sur le territoire duquel le fait le plus grave, selon la législation du pays requis, aura été commis, et, dans le cas de gravité égale, à celui qui aura présenté le premier la demande d'extradition.

X. Si l'individu réclamé n'est pas sujet du pays requérant et que le Gouvernement de son propre pays le réclame à raison du même fait, le Gouvernement auquel l'extradition est demandée aura la faculté de livrer cet individu à celui qui lui conviendra le mieux.

XI. L'extradition sera toujours demandée par la voie diplomatique et, à défaut d'un Agent Diplomatique, par l'intermédiaire du fonctionnaire Consulaire le plus élevé en rang du pays qui fait la demande.

La demande d'extradition doit être accompagnée—

1. De l'original ou d'une copie authentique soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, soit de tout autre acte ayant la même force, soit du jugement de condamnation, délivré par l'autorité compétente dans la forme prescrite dans le pays qui réclame l'extradition.

Ces documents doivent indiquer suffisamment le fait dont il s'agit pour mettre le pays requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente Convention ;

2. D'une copie des dispositions pénales applicables au fait dont il s'agit ;

3. De tous les renseignements nécessaires pour constater l'identité de l'individu réclamé ;

4. D'une traduction Française de tous ces actes et des dispositions pénales.

XII. L'étranger dont l'extradition peut être demandée pour l'un des faits compris dans l'Article II pourra être détenu provisoire-

ment d'après les formes prescrites par la législation du pays requis, en vertu d'un avis transmis par la poste ou le télégraphe par l'intermédiaire du Ministre des Affaires Étrangères de l'État requérant et du Représentant Diplomatique ou Consulaire de cet État dans l'autre pays et émané de l'autorité compétente du pays qui fait la réclamation, savoir :—

Du côté des Pays-Bas, de tout officier de justice ou tout Juge d'Instruction (Juge Commissaire);

Du côté de la République Argentine de tout Juge d'Instruction et tout Juge au pénal.

Cet avis doit annoncer l'existence et la remise d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, d'un mandat d'arrêt ou d'un jugement de condamnation.

L'individu détenu de cette façon sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si dans le délai de deux mois après la date de son arrestation la demande d'extradition par la voie Diplomatique ou Consulaire n'a pas été faite dans la forme déterminée par l'Article XI.

XIII. Il est expressément stipulé que le transit à travers le territoire de l'une des Parties Contractantes d'un individu livré par une tierce Puissance à l'autre partie, et qui n'est pas sujet du pays de transit, sera accordé sur la simple production par la voie Diplomatique ou Consulaire de l'ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, du mandat d'arrêt ou du jugement de condamnation, pourvu qu'il ne s'agisse pas de délits politiques ou de faits connexes à ces délits, mais de ceux énumérés à l'Article II de cette Convention.

Les frais du transit seront à la charge de l'État requérant.

XIV. Les objets provenant d'un délit, qui auraient été saisis en la possession de l'individu réclamé ou que celui-ci aurait cachés et qui seraient découverts postérieurement, les outils ou instruments dont il se serait servi pour commettre l'infraction, ainsi que toutes les autres pièces de conviction, seront livrés en même temps que l'individu réclamé, si le Gouvernement requérant en fait la demande et si l'autorité compétente de l'État requis en ordonne la remise.

Sont cependant réservés les droits des tiers sur les dits objets qui doivent leur être rendus sans frais après la fin du procès.

XV. Lorsque dans la poursuite d'une affaire pénale, non politique, l'un des deux Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une Commission Rogatoire, accompagnée d'une traduction Française, sera envoyée à cet effet par la voie Diplomatique ou Consulaire au Gouvernement du pays où on doit avoir lieu, et il y sera donné suite dans le pays

requis en observant les lois qui sont applicables à ce cas dans le pays où les témoins doivent comparaître.

XVI. Si dans une cause pénale, non politique, la comparution personnelle d'un témoin est nécessaire ou désirée, le Gouvernement du pays où il se trouve l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement il lui sera accordé par le Gouvernement requérant des frais de voyage et de séjour à partir du jour où il aura quitté son domicile, d'après les tarifs en vigueur dans le pays où sa comparution doit avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucune personne, quelle que soit sa nationalité, qui, citée en témoignage dans l'un des deux pays, comparaitra volontairement devant les Tribunaux de l'autre pays, ne pourra y être poursuivie ni détenue pour des crimes ou délits ou pour des condamnations civiles, criminelles, ou correctionnelles antérieures à son départ du pays requis, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

XVII. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution de Commissions Rogatoires et de l'envoi des pièces de conviction ou des documents.

L'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

XVIII. La présente Convention ne sera exécutoire qu'à dater du vingtième jour après sa promulgation, qui aura lieu, aussitôt que faire se pourra, dans la forme prescrite par les législations des deux pays.

Elle continuera à sortir ses effets jusqu'à six mois après le jour qu'elle aura été dénoncée par l'un des deux Gouvernements.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Buenos Ayres aussitôt que faire se pourra.

Eu foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double expédition à Buenos Ayres, le 7 Septembre, 1893.

(L.S.) L. VAN RIET.

(L.S.) VALENTIN VIRASORO.

*ACT of Congress of the United States, to give effect to the Award rendered by the Tribunal of Arbitration at Paris, under the Treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to Arbitration certain Questions concerning the Preservation of the Fur-Seal.**

[Chap. 57.]

[April 6, 1894.]

WHEREAS the following Articles of the Award of the Tribunal of Arbitration constituted under the Treaty concluded at Washington the 29th February, 1892,† between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, were delivered to the Agents of the respective Governments on the 15th day of August, 1893:‡—

ART. 1. The Governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles around the Pribyloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

2. The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever during the season extending, each year, from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I of the Treaty of 1867§ between the United States and Russia, and following that line up to the Behring Straits.

3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing-vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing-boats.

4. Each sailing-vessel authorized to fish for fur-seals must be provided with a special licence issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

* See also Act of June 5, 1894, page 1318.

† Vol. LXXXIV, page 48.

‡ Vol. LXXXV, page 1152.

§ Vol. LVII, page 452.

5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log-book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot-guns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

7. The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

8. The regulations contained in the preceding Articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars, or sails and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

9. The concurrent regulations hereby determined with a view to the protection and preservation of the fur-seals shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Now, therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that no citizen of the United States, or person owing the duty of obedience to the Laws or the Treaties of the United States, nor any person belonging to or on board of a vessel of the United

States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur-seal in the waters surrounding the Pribyloff Islands within a zone of 60 geographical miles (60 to a degree of latitude) around said islands, exclusive of the territorial waters.

§ 2. That no citizen of the United States, or person above described in § 1 of this Act, nor any person belonging to or on board of a vessel of the United States shall kill, capture, or pursue, in any manner whatever during the season extending from the 1st day of May to the 31st day of July, both inclusive, in each year, any fur-seal on the high seas outside of the zone mentioned in § 1, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the 35th degree of north latitude and to the east of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

§ 3. No citizen of the United States or person above described, in § 1 of this Act, shall, during the period and in the waters in which by § 2 of this Act the killing of fur-seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed in carrying on or taking part in fur-seal fishing operations, other than a sailing-vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails, as may belong to and be used in connection with such sailing-vessel; nor shall any sailing-vessel carry on or take part in such operations without a special licence obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose.

§ 4. That every master of a vessel licensed under this Act to engage in fur-seal fishing operations shall accurately enter in his official log-book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify on oath such official log-book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement wilfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal-skins found in excess of the statement in the official log-book shall be forfeited to the United States.

§ 5. That no person or vessel engaging in fur-seal fishing operations under this Act shall use or employ in any such operations any net, fire-arm, air-gun, or explosive: Provided, however, that prohibition shall not apply to the use of shot-guns in such opera-

tions outside of Behring Sea, during the season when the killing of fur-seals is not there prohibited by this Act.

§ 6. That the foregoing sections of this Act shall not apply to Indians dwelling on the coast of the United States, and taking fur-seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons in the manner heretofore practised by the said Indians: Provided, however, that the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur-seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

§ 7. That the President shall have power to make regulations respecting the special licence and the distinctive flag mentioned in this Act, and regulations otherwise suitable to secure the due execution of the provisions of this Act, and from time to time to add to, modify, amend, or revoke such regulations as in his judgment may seem expedient.

§ 8. That, except in the case of a master making a false statement under oath in violation of the provisions of § 4 of this Act, every person guilty of a violation of the provisions of this Act or of the regulations made thereunder shall, for each offence, be fined not less than 200 dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

§ 9. That any violation of this Act or of the regulations made thereunder may be prosecuted either in the District Court of Alaska or in any District Court of the United States in California, Oregon, or Washington.

§ 10. That if any unlicensed vessel of the United States shall be found within the waters to which this Act applies, and at a time when the killing of fur-seals is by this Act there prohibited, having on board seal-skins or bodies of seals, or apparatus or implements suitable for killing or taking seals, or if any licensed vessel shall be found in the waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this Act until it is otherwise sufficiently proved.

§ 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this Act is applicable to enforce its provisions, and it shall be the duty of the

Commanding Officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this Act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this Act, there to be dealt with according to law.

§ 12. That any vessel or citizen of the United States, or person described in § 1 of this Act, offending against the prohibitions of this Act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose Courts alone shall have jurisdiction to try the offence and impose the penalties for the same: Provided, however, that British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the Award of the Treaty mentioned in the title of this Act.

Approved, April 6, 1894.

ACT of Congress of the United States, to amend an Act, approved August 19, 1890, entitled "An Act to adopt Regulations for preventing Collisions at Sea."

[Chap. 83.]

— [May 28, 1894.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Article 7 of the Act, approved the 19th August, 1890, intituled "An Act to adopt Regulations for preventing Collisions at Sea," be amended to read as follows:—

"Article 7. Steam-vessels of less than 40, and vessels under oars of less than 20, tons gross tonnage, respectively, and rowing-vessels under way, shall not be required to carry the lights

mentioned in Article 2 (a), (b), and (c), but if they do not carry them they shall be provided with the following lights:

"1. Steam-vessels of less than 40 tons shall carry—

"(a.) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (a), and of such a character as to be visible at a distance of at least 2 miles;

"(b.) Green and red side-lights constructed and fixed as prescribed in Article 2 (b) and (c), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lanterns shall be carried not less than 3 feet below the white light.

"2. Small steam-boats, such as are carried by sea-going vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern mentioned in sub-division 1 (b).

"3. Vessels under oars or sails of less than 20 tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

"4. Rowing-boats, whether under oars or sail, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

"The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (a) and Article 11, last paragraph."

That Article 9 be hereby repealed.

That Article 21 be amended to read as follows:—

"Article 21. Where, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

"*Note.*—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision." (See Articles 27 and 29.)

That Article 31 be amended to read as follows:—

"Distress Signals.

"Article 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the.

signals to be used or displayed by her, either together or separately, namely :

“In the daytime—

“1. A gun or other explosive signal fired at intervals of about a minute.

“2. The international code signal of distress indicated by N C.

“3. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

“4. A continuous sounding with any fog-signal apparatus.

“At night—

“1. A gun or other explosive signal fired at intervals of about a minute.

“2. Flames on the vessel (as from a burning tar barrel, oil barrel, and so forth).

“3. Rockets or shells throwing stars of any colour or description, fired one at a time, at short intervals.

“4. A continuous sounding with any fog-signal apparatus.”

Approved, May 28, 1894.

ACT of Congress of the United States, supplementary to an Act, approved April 6, 1894, for the Execution of the Award rendered at Paris, August 15, 1893, by the Tribunal of Arbitration constituted under the Treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, in relation to the Preservation of the Fur-Seal.*

[Chap. 91.]

[June 5, 1894.]

WHEREAS by Article VII of the Treaty between the United States and Great Britain, concluded at Washington, the 29th February, 1892,† in relation to the preservation of the fur-seal, the High Contracting Parties agree to co-operate in securing the adhesion of other Powers to such regulations as the Arbitrators under said Treaty might determine upon for that purpose ;

And whereas by an Act of Congress approved the 6th April, 1894, provision has been made by the United States for the execution of the regulations so determined upon and for the punishment of any infractions of said regulations :

Therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the procedure and penalties provided by said Act, in case of the

violation of the provisions of said regulations, are hereby made applicable to and shall be enforced against any citizen of the United States, or person owing the duty of obedience to the Laws or the Treaties of the United States, or person belonging to or on board of a vessel of the United States, who shall kill, capture, or pursue, at any time or in any manner whatever, as well as to and against any vessel of the United States used or employed in killing, capturing, or pursuing, at any time or in any manner whatever, any fur-seal or other marine fur-bearing animal, in violation of the provisions of any Treaty or Convention into which the United States may have entered or may hereafter enter with any other Power for the purpose of protecting fur-seals or other marine fur-bearing animals, or in violation of any regulations which the President may make for the due execution of such Treaty or Convention.

Approved, June 5, 1894.

ACT of Congress of the United States, to amend Section 2 of the Act approved February 15, 1893, entitled "An Act granting additional Quarantine Powers and imposing additional Duties upon the Marine Hospital Service."

[Chap. 300.]

— [August 18, 1894.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 2 of the Act approved the 15th February, 1893, intituled "An Act granting additional Quarantine Powers and imposing additional Duties upon the Marine Hospital Service," is hereby amended by adding to the end of said section the following :—

"The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels."

Approved, August 18, 1894.

SUPPLEMENTARY CONVENTION between the United States of America and Venezuela, to further extend the Period fixed for the Exchange of Ratifications of the Claims Convention of December 5, 1885, and to extend the Period for the Exchange of the Ratifications of the Convention of March 15, 1888.†—Signed at Washington, October 5, 1888.*

[Ratifications exchanged at Washington, June 3, 1889.]

WHEREAS, by Articles I and II of a Convention signed and concluded by the respective Plenipotentiaries of the United States and Venezuela, in the city of Washington, on the 15th day of March, 1888, it was provided that the time fixed by the Convention between the said parties signed and concluded the 5th December, 1885, for the exchange at Washington of the ratifications thereof, should be extended to a period not exceeding five months from the date of said Convention, to wit, from the 15th day of March, 1888, or sooner if possible, and that the ratifications of said Convention of the 15th March, 1888, should in like manner be exchanged at Washington within the same period;

And whereas the period, as aforesaid prescribed, elapsed on the 15th day of August, 1888, without such exchange having been effected;

And whereas it appears that the Congress and Government of Venezuela did, according to the constitutional forms of that Republic, ratify and confirm the said Conventions at Carácas on the 27th day of July, 1888, and that the President of the Republic of Venezuela did, on the 2nd day of August, 1888, fully empower the Representative of that Republic in the United States to exchange ratifications thereof with whoever should be duly authorized on behalf of the United States;

And whereas the said Conventions having been theretofore duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, the Secretary of State of the United States, duly empowered by the President of the United States, was ready on and before the said 15th day of August, 1888, to effect the exchange of ratifications of the said Conventions as stipulated;

And whereas, by reason of unavoidable delay, the copy of the said Convention ratified by the Government of Venezuela as aforesaid and the necessary powers to enable the Representative of that

Government in the United States to make exchange of ratifications could not be produced in the city of Washington, District of Columbia, until after the expiration of the period so as aforesaid stipulated for the exchange of ratifications ;

Now, therefore, the Governments of the United States and Venezuela, being desirous of completing and putting in force the two Conventions aforesaid at the earliest day possible, have respectively named as their Plenipotentiaries to conclude a Convention for that purpose :

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America ; and

The President of the United States of Venezuela, Francisco Antonio de Silva, Chargé d'Affaires of the United States of Venezuela at Washington ;

Who, after reciprocally satisfying each other in good and due form of their competency to negotiate to such end, have agreed upon the following Articles :—

ART. I. The time fixed, by Articles I and II of the Convention between the Contracting Parties signed at Washington, the 15th day of March, 1888, within which to effect the exchange of the ratifications of the Convention between said parties signed at Washington on the 5th day of December, 1885, and also of the said Convention of the 15th day of March, 1888, is hereby extended to a period not exceeding ten months from the 15th day of August, 1888, or sooner if possible.

II. The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the United States of Venezuela, by and with the advice and consent of the Congress thereof ; and the ratifications shall be exchanged at Washington, as soon as possible within the time specified in Article I hereof as the period of extension of the time for the exchange of ratifications of the Convention signed at Washington on the 5th day of December, 1885, and of the Convention signed at Washington on the 15th day of March, 1888.

In witness whereof the respective Plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

Done at Washington, this 5th day of October, in the year of our Lord 1888.

(L.S.) T. F. BAYARD.

(L.S.) FCO. ANTO. SILVA.

CONVENTION between the United States and Venezuela, providing for a Reference to Arbitration of the Claim of the Venezuela Steam Transportation Company against the Government of Venezuela.—Signed at Carácas, January 19, 1892.

[Ratifications exchanged at Washington, July 28, 1894.]

THE Government of the United States of America and the United States of Venezuela, being mutually desirous of removing all causes of difference between them in a manner honourable to both parties and in consonance with their just rights and interests, have resolved to submit to arbitration the claim of the "Venezuela Steam Transportation Company," and have respectively named as their Plenipotentiaries to conclude a Convention for that purpose :

The President of the United States of America, William L. Scruggs, Envoy Extraordinary and Minister Plenipotentiary of the United States of Carácas ; and

The President of the United States of Venezuela, Dr. Rafael Seijas, Legal Adviser for the Department of Foreign Relations ;

Who, after having exhibited their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. The High Contracting Parties agree to submit to arbitration the question whether any, and, if any, what indemnity shall be paid by the Government of the United States of Venezuela to the Government of the United States of America for the alleged wrongful seizure, detention, and employment in war or otherwise of the steam-ships *Hero*, *Nutrias*, and *San Fernando*, the property of the "Venezuela Steam Transportation Company," a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States.

II. The question stated in Article I shall be submitted to a Board of three Commissioners, one to be appointed by the President of the United States of America, one by the President of the United States of Venezuela, and the third, who shall not be either an American or a Venezuelan citizen, to be chosen by the two appointed as aforesaid ; but if, within ten days from the time of their first meeting as hereinafter provided, they cannot agree upon the third Commissioner, the Secretary of State of the United States and the Venezuelan Minister at Washington shall forthwith request either the Diplomatic Representative of Belgium or that of Sweden

and Norway at that capital to name him, subject to the restriction aforesaid.

The Commissioners to be chosen by the President of the United States of America and the President of the United States of Venezuela shall be appointed within a month from the date of the exchange of the ratifications of this Convention.

In case of the death, resignation, or incapacity of any of the Commissioners, or in the event of any of them ceasing or omitting to act, the vacancy shall be filled in the same manner as is herein provided for the original appointment.

III. The Commissioners appointed by the President of the United States of America and the President of the United States of Venezuela shall meet in the city of Washington at the earliest convenient moment within three months from the date of the exchange of the ratifications of this Convention, and shall proceed to the selection of a third Commissioner.

When such Commissioner shall have been chosen, either by agreement between the two first named, or in the alternate manner hereinbefore provided, the three Commissioners shall meet in the city of Washington at the earliest practicable moment within five months from the date of the exchange of the ratifications of this Convention, and shall subscribe, as their first act, a solemn declaration to examine and decide the claim submitted to them in accordance with justice and equity and the principles of international law.

The concurrent judgment of any two of the Commissioners shall be adequate for the decision of any question that may come before them, and for the final award.

IV. The Commissioners shall decide the claim on the diplomatic correspondence between the two Governments relative thereto, and on such legal evidence as may be submitted to them by the High Contracting Parties, within two months from the date of the first meeting of the full Commission.

Their decision shall be rendered within three months at farthest from the date of such first meeting, and shall be final and conclusive.

They shall hear one person as Agent in behalf of each Government, and consider such arguments as either of such persons may present; and may, in their discretion, hear other counsel either in support of or in opposition to the claim.

V. If the Award shall be in favour of the United States of America, the amount of the indemnity, which shall be expressed in American gold, shall be paid in cash at the city of Washington, in equal annual sums, without interest, within five years from the date of the Award, the first of the five payments to be made within

eight months from that date. Each Government shall pay its own Commissioner and Agent, and all other expenses, including clerk hire, shall be borne by the two Governments in equal moieties.

VI. This Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the United States of Venezuela, with the approval of the Congress thereof; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

Done at Carácas, this 19th day of January, in the year of our Lord 1892.

(L.S.) WILLIAM L. SCRUGGS.

(L.S.) RAFAEL SEIJAS.

PROCLAMATION by the President of the United States, applying the Copyright Act to Denmark.—Washington, May 8, 1893.*

WHEREAS it is provided by section 13 of the Act of Congress of the 3rd March, 1891, entitled "An Act to amend title 60, chapter 3, of the Revised Statutes of the United States, relating to Copyrights," that said Act "shall only apply to a citizen or subject of a foreign State or nation when such foreign State or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this Act may require;"

And whereas satisfactory official assurances have been given that in Denmark the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Denmark;

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the Act of the 3rd March,

1891, now exists and is fulfilled in respect to the subjects of Denmark.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 8th day of May, 1893, and of the Independence of the United States the 117th.

(L.S.) GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

PROCLAMATION by the President of the United States, relative to Assistance to Wrecked Vessels. — Washington, July 17, 1893.

WHEREAS an Act of Congress amendatory of an Act in relation to aiding vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada was approved on the 24th May, 1890,* the said Act being in the following words:—

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that an Act entitled ‘An Act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada,’ approved the 19th June, 1878,† be, and the same is hereby, amended so that the same will read as follows:—

“That Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada: Provided, that this Act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions. This Act shall be construed to apply to the Welland Canal, the Canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the St. Mary’s River and Canal. And provided further, that this Act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada;”

* Vol. LXXXII, page 646.

† Vol. LXIX, page 206.

And whereas an Act of Congress making appropriation for the Legislative, Executive and Judicial expenses of the Government for the fiscal year ending the 30th June, 1894, and for other purposes, approved the 3rd March, 1893, further amended the Act of the 24th May, 1890, as follows:—

“That an Act approved the 24th May, 1890, entitled ‘An Act to amend an Act entitled “An Act to aid vessels wrecked or disabled in waters coterminous to the United States and the Dominion of Canada,”’ approved the 19th June, 1878, be, and is hereby, amended by striking out the words ‘the Welland Canal;’”

And whereas by an Order in Council, dated the 17th May, 1893, the Government of the Dominion of Canada has proclaimed an Act entitled “An Act respecting aid by United States’ wreckers in Canadian waters,” to take effect the 1st June, 1893, said Act reading as follows:—

“Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

“1. United States’ vessels and wrecking appliances may save any property wrecked, and may render aid and assistance to any vessels wrecked, disabled, or in distress, in the waters of Canada contiguous to the United States;

“2. Aid and assistance include all necessary towing incident thereto;

“3. Nothing in the Customs or Coasting Laws of Canada shall restrict the salving operations of such vessels or wrecking appliances;

“4. This Act shall come into force from and after a date to be named in a proclamation by the Governor-General, which proclamation may be issued when the Governor in Council is advised that the privilege of salving any property wrecked or of aiding any vessels wrecked, disabled, or in distress, in United States’ waters contiguous to Canada, will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by this Act to United States’ vessels and wrecking appliances;

“5. This Act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor-General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative with respect to Canadian vessels or wrecking appliances in United States’ waters contiguous to Canada;”

And whereas said proclamation of the Governor-General of Canada was communicated to this Government by Her Britannic Majesty’s Ambassador on the 2nd day of June last:

Now, therefore, being thus satisfied that the privilege of aiding
ican or other vessels and property wrecked, disabled, or in

distress, in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions, I, Grover Cleveland, President of the United States of America, in virtue of the authority conferred upon me by the aforesaid Act of Congress, approved the 24th May, 1890, do proclaim that the conditions specified in the Legislation of Congress aforesaid now exists and is fulfilled, and that the provisions of said Act of the 24th May, 1890, whereby Canadian vessels and wrecking appliances may render aid and assistance to Canadian and other vessels and property wrecked, disabled or in distress, in the waters of the United States contiguous to the Dominion of Canada, including the Canal and improvement of the waters between Lake Erie and Lake Huron and the waters of the Saint Mary's River and Canal, are now in full force and effect.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington, this 17th day of July in the year of Our Lord 1893, and of the Independence of the United States the 118th.

(L.S.) GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State*.

PROCLAMATION by the President of the United States, applying the Copyright Act to Portugal. — Washington, July 20, 1893.

WHEREAS it is provided by § 13 of the Act of Congress of the 3rd March, 1891, entitled "An Act to amend title 60, chapter 3, of the Revised Statutes of the United States, relating to Copyrights," that said Act "shall only apply to a citizen or subject of a foreign State or nation when such foreign State or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the

* Vol. LXXXIII, page 97.

existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this Act may require ;”

And whereas satisfactory official assurances have been given that in Portugal the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Portugal :

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in § 13 of the Act of 3rd March, 1891, now exists and is fulfilled in respect to the subjects of Portugal.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 20th day of July, in the year of Our Lord 1893, and of the Independence of the United States the 118th.

(L.S.) GROVER CLEVELAND.

By the President :

W. Q. GRESHAM, *Secretary of State*.

PROCLAMATION by the President of the United States, suspending the Collection of Tonnage Duties on Vessels arriving from Grenada.—Washington, May 2, 1894.

WHEREAS satisfactory proof has been given to me that no light-house and light dues, tonnage dues, beacon and buoy dues, or other equivalent taxes of any kind, are imposed upon vessels of the United States in the ports of the Island of Grenada, one of the British West India Islands ;

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by § 11 of the Act of Congress, entitled “ An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen and owners of vessels, and for other purposes,” approved the 19th June, 1886,* and in virtue of the further Act amendatory thereof entitled “ An Act to amend the laws relating to navigation and for other purposes,” approved the 4th April, 1888,† do hereby declare and proclaim that from and after the date of this, my proclamation, shall be suspended

* Vol. LXXVII, page 698.

† Vol. LXXIX, page 226.

the collection of the whole of the tonnage duty which is imposed by said § 11 of the Act approved the 19th June, 1886, upon vessels entered in the ports of the United States from any of the ports of the Island of Grenada.

Provided, that there shall be excluded from the benefits of the suspension hereby declared and proclaimed, the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of such country, or on the cargoes of such vessels; but this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their own vessels, and the cargoes thereof, engaged in their coasting trade, or with the existence between such countries and other States of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favoured-nation clause in Treaties between the United States and such countries.

And the suspension hereby declared and proclaimed shall continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said ports of the Island of Grenada and no longer.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 2nd day of May in the year of Our Lord 1894, and of the Independence of the United States the 118th.

(L.S.) GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State*.

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